

Newsweek

Nintendo's Racy Games

Will Books Survive?

D-Day's Museum

June 12, 2000 : \$3.50

RETHINKING THE

DEATH PENALTY

DNA Tests and New Evidence Have Saved

87 Prisoners From Execution.

The Growing Debate Over Who Should Die.

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Texas death-row inmate Ricky McGinn

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CLINTON

Mideast: Little Chance of a Legacy



Barak
in D.C.

DESPITE ITS OFFICIAL optimism, the Clinton administration is increasingly skeptical that peace in the Mideast is possible before the president leaves office in January. The talks between Israel and Syria are in deep freeze, and even the more hopeful Palestin-

ian "track"—despite a flurry of new meetings—has run into some obstacles. During Clinton's European tour last week, a top administration official said he thought the odds of a Palestinian deal were only 40-60.

One reason for the new foreboding is Israel's recent withdrawal from Lebanon. The

Secretary of State Madeleine Albright heads back to Jerusalem this week for the first of several meetings with Barak and Palestinian leader Yasir Arafat that could lead to another summit. But said one negotiator: "We're seven years into this and we don't have the kind of climate one would envision."

GUNS

Colt Takes Another Hit

AMERICA'S OLDEST AND most troubled gunmaker is getting shelled again—this time by the U.S. military. Reeling from lawsuits and struggling to pay suppliers, Colt learned last week that it had lost its critical role making M-16 rifles for U.S. soldiers. Instead, the Belgian gun manufacturer FN Herstal got the new contract, worth up to \$50 million over five years. The Army, which buys guns for all the services, wouldn't say why Colt lost out, disclosing only that the gunmaker didn't offer the "best

value." Colt will continue to make the more compact M-4 carbine for some military units. But they may be closer to folding under the weight of legal fees and shrinking profits. Company officials didn't return calls.



U.S. soldier armed with an M-16

CONVENTIONAL WISDOM

Putin on the Ritz Edition

A lame-duck prez's high-stakes summit makes the CW wonder what the respective candidates would do. Would Gore pander? Would Dubya say, "Mr. Putin, don't define me!"

C.W.

Putin	▲	Trump's Clinton's missile shield with smarter, cheaper defensive "lid."
Bush	◆	After 130 needles, now looks compassionate with reprieve. But next case is trickier.
Juan Miguel	▲	Court puts him closer to Cuba parade; has class to thank "the American people."
'Survivor'	▲	CBS's voyeur TV scores. Downside: Tiffany network now resorting to rat recipes. Yum.
Madonna	▼	Goes ballistic and threatens to sue when her unreleased nine gets Napsterized. Chill.
Ewing	▼	Knick's noble warrior comes up short again. At least he never choked like Spree.



Invited by Putin and patriarch?

THE POPE

One More Trip

POPE JOHN PAUL II COULD be headed to Russia "sooner rather than later," Vatican insiders say. When Vladimir Putin visits Rome this week he is expected to invite the pope to Moscow (as his predecessors Boris Yeltsin and Mikhail Gorbachev did). And there's speculation he'll bring something new: an invitation from Aleksii II, patriarch of the Russian Orthodox Church. The historic trip would give John Paul one last chance to mend fences between the Vatican and the Orthodox Church. It could also help Putin strengthen his legitimacy in the West.

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((((((THE BUZZ))))))

And All I Got Was This Stupid T Shirt

SPEND 39 DAYS ON A RAT-INFESTED ISLAND? WITH 16 TOTAL(LY ANNOYING) STRANGERS? What madness! What depravity! Whatever. Remember, folks, they ain't doing it for a Klondike Bar. Here's what people are saying over the airwaves, in the papers and on the Web:



Reeg-ection! CBS pulls in 15.5 million viewers, wins the 18- to 34-year-old crop for the first time since the Crusades. 'Survivor' made 'Millionaire' look weak for the first time in its remarkable run. (Inside.com)

See Ya, Sonja Hurrah for metaphor! The AARP network's young cast makes the old foggy its first island casualty. And Grams, it wasn't the ill-timed stumble. It was that horrid ukulele.

No Birds, No Bees The 'Real World' recipe is simpler than grilled cheese, but CBS botched it. How did those Poindexters find the one scenario in which we don't want *any* of the cast members having sex?

Must-Flee TV 'Survivor' is 60 minutes of idiots whittling a stick: Not a cultural nadir, just bad television. 'The show is a ridiculous bore ... You could have a better adventure walking your dog.' (Wash. Post)

GERMANY
That's Killing

HOPING TO "TOUCH people even more than [with] a serious approach," director Kai Wessel is shooting a slapstick comedy about Nazi propaganda minister Joseph Goebbels, the first German Third Reich comedy. In the made-for-TV movie

called "Goebbels und Geduldig," Harry Geduldig is Goebbels's perfect look-alike. Jewish and imprisoned, he pulls a switcheroo with the minister. It airs next year.

PROTESTS
Eyes on the Pies

HOW MANY MORE people have to get a face full of custard before it's time for a 48-hour waiting period on all pie purchases? Ask USDA Secretary Dan Glickman, who joined the sad parade of victims last week.

Victim: Bill Gates

(Feb. 4, 1998)

Flavor: cream

Assailant:

L'Entarteur

Why: 'cuz Gates is rich

Victim: S.F. Mayor Willie Brown

(Nov. 7, 1998)

Flavor: cherry, tofu, pumpkin

Assailant: Biotic Baking Brigade



Gates, postpaste

Why: Brown's treatment of the homeless

Victim: IMF chief Michel Camdessus (Feb. 13, 2000)

Flavor: fruit and cream

Assailant: Patissiers Sans Frontières (Pastrymakers Without Borders)

Why: IMF 'destroyed Mozam-

bique's cashew-nut industry'

Victim: Dan Glickman

(May 30, 2000)

Flavor: tofu cream

Assailant: PETA

Why: for 'promoting meat'

Camdessus



Do violent videogames encourage violent behavior?

1. Yes, and they should be banned
2. Yes, and they should be restricted to players over 17 years old
3. No, they're just games
4. I'm not sure, but I wouldn't let my child play them anyway

VOTE ON NEWSWEEK.MSNBC.COM BY 5 P.M. EDT, JUNE 9

LAST WEEK'S
LIVE VOTE

IF YOU WERE A ROCK STAR, would you want to stop Napster? (15,857 responses)

18% Yes, it violates copyright laws and cheats the artist

16% Yes, but it's inevitable

36% No, it will only increase my popularity

30% No, it only hurts record companies

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COME TRUE.

(EVEN IF I DON'T KNOW EXACTLY WHAT IT IS.)



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Please Do Not Sweat on the Exhibit

WHY ARE MUSEUMS SO POPULAR during these sunny summer months? Three words: free air conditioning. One particularly cool building—the Frank Gehry-designed home of the Experience Music

Project—will draw rock-and-roll fans all the way to Seattle for its June 23 opening. If Jimi Hendrix isn't your thing, Florida's got a famous downed space capsule, London's got chocolate and Naples... well, don't bring the kids to Naples.

Gus Grissom's recovered Liberty Bell 7: On display at the Kennedy Space Center



Hendrix guitar at the Experience Music Project



Boston's Museum of Fine Arts sticks with a sure thing: Mr. van Gogh



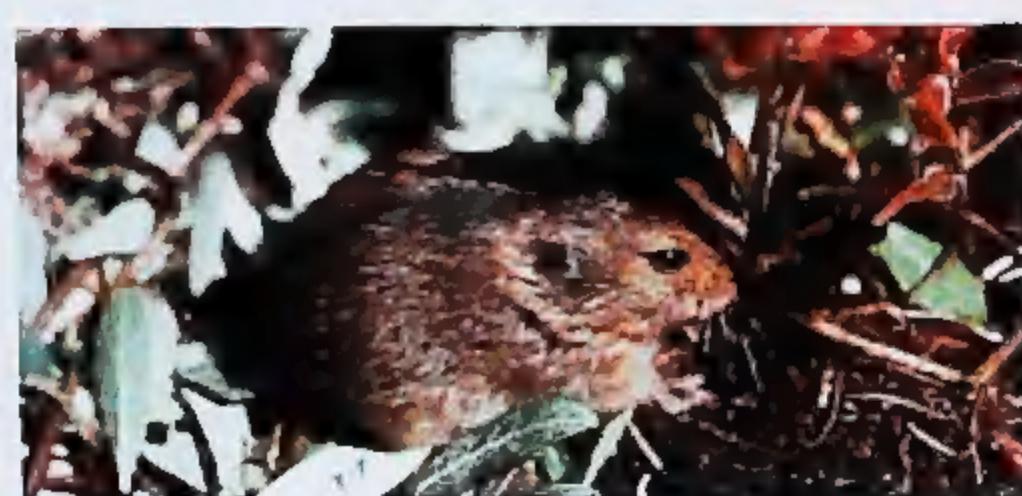
Erotic art circa A.D. second century at Naples's Archeological Museum



Visitors are encouraged to eat the exhibit at London's Serpentine Gallery



S.F. Museum of Modern Art: 'Design Afoot'



Researchers have ruled lemmings' deaths accidental
B E H A V I O R
Everybody Else Is Doing It

A RECENT STUDY FOUND THAT WHEN LEMMINGS RUSH off cliffs to their death—or into the water where they can't swim—it's not because they're trying to do themselves in. The study, reported in the journal *Nature*, says the rodents are in fact eagerly looking for moss to eat when tragedy strikes. The idea that they are mindless followers is also wrong, says researcher Lauri Oksanen. They actually prefer solitude but come together when searching for food. Desperately hungry, they aren't going to let a little water or a cliff stop them. Until, of course, it does.

R U S S I A The Regime's Puppet

PUTIN IS SHOWING SIGNS OF BEING THE HARD-LINER that some suspected: he's cracking down on threatening puppets. The Kremlin allegedly ordered Media MOST (NEWSWEEK's partner in Russian news magazine *Itogi*) to pull the Putin puppet from its top-rated satirical puppet show, "Kukly." The show depicted Putin as small, squeaky and dependent on his staff—much to Putin's annoyance, apparently. Says MOST's president Vladimir Gusinsky, "The Putin puppet will be back. And if 'Kukly' disappears, you will know what's happening in this country."

LUCY HOWARD,
DEVIN GORDON and
SUSANNAH MEADOWS



TRANSITION



Tito Puente, the mambo king Sizzling Sounds

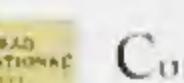
MAMBO KING Tito Puente, 77, rose to fame in the 1950s performing for cha-cha-cha-crazed American audiences, while his later work with Afro-Cuban rhythms helped spawn the burgeoning style of salsa. The Puerto Rican bandleader and timbales player recorded more than 100 albums in his 60-year career, though Carlos Santana's rendition of "Oye Como Va" proved Puente's biggest U.S. hit. He died last week from complications following heart surgery.

LORRAINE ALI

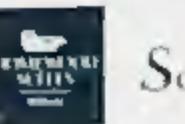
WILLIAM E. SIMON was Treasury secretary under Nixon and Ford. He is widely credited with calming the nation's economic fears during the Arab oil embargo of the 1970s. He died at 72.

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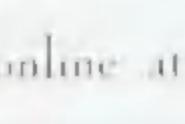
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What Does Online Shopping Cost Us?

As a merchant, I know that retail is more than the exchange of an address and credit-card number

By PATRICK VALA-HAYNES

IT'S NOT ABOUT THE MONEY. IT'S never been about the money. As a young couple with degrees in humanities and history, my wife, Robbie, and I didn't buy a bicycle shop 20 years ago near the Oregon Coast Range because we had dreams of great riches. We simply hoped that being self-employed would allow us to pursue our many interests—gardening, horses, theater—and maybe support a family. Robbie chose another career a few years after our daughter and son were born, but I've yet to find a good reason to change my profession.

Four days before Christmas last year, a gentleman walked into my shop near closing time. He wore a fine wool suit and a silk tie.

"How are you tonight?" I asked.

"Good, good," he huffed, his eyes wandering around the store.

"Can I help you find something?"

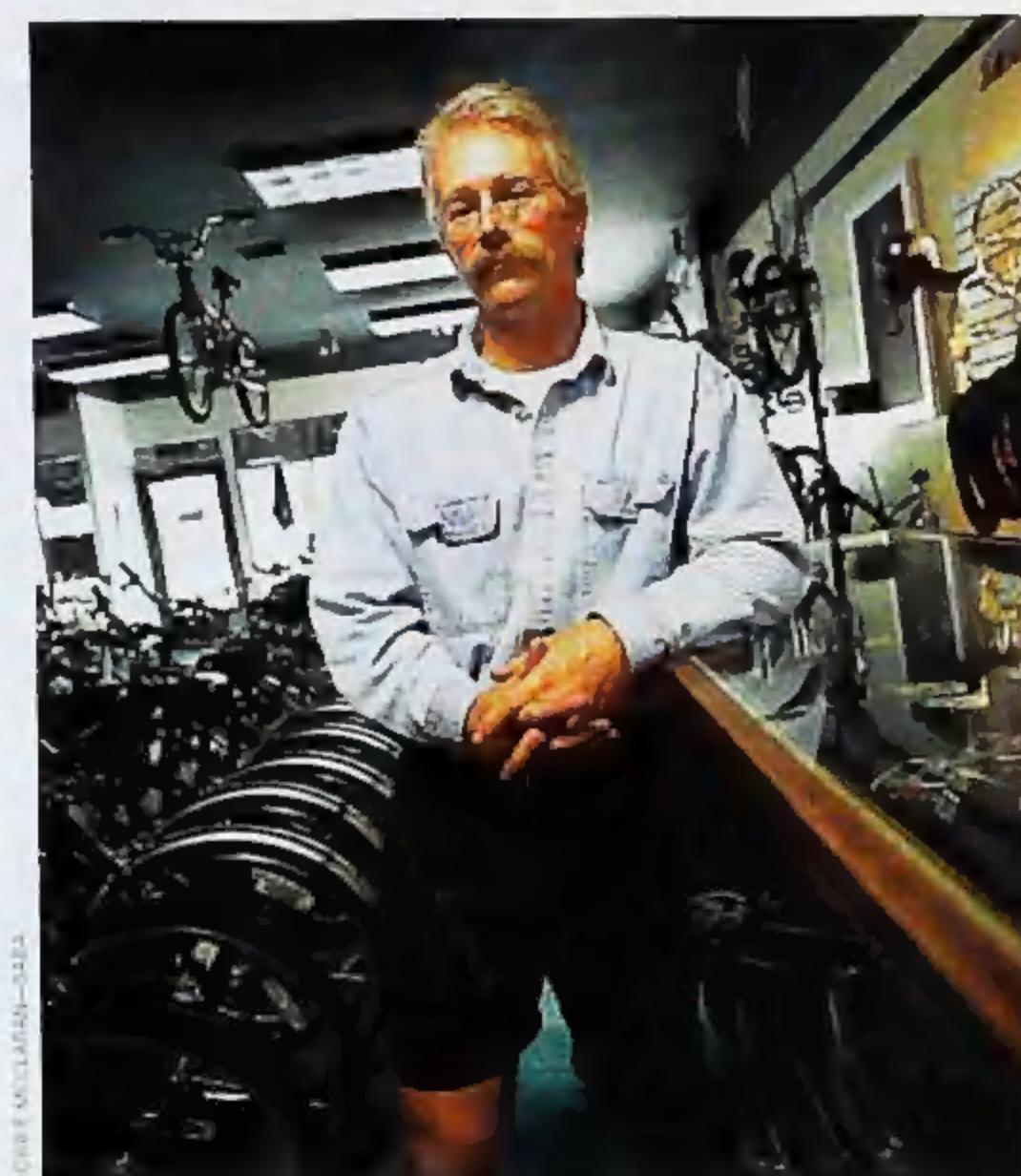
"Yes, yes. I'm looking for a—I'm not sure what you call it—one of those!" He pointed at a bicycle touring trailer and seemed relieved to have found it. "I've been searching for one all week."

"Really? Where have you looked?" I was curious as to why he hadn't bothered to check our store first, since we have the only bicycle shop in town. I wheeled the trailer to the counter.

"All over the Internet," he said.

"I've been doing all my Christmas shopping that way. This is the first store I've set foot in all season." He seemed proud.

I offered to give him the name of some Web sites where he could buy the device, but he admitted that it was too late, he'd never get it before Christmas. I told him that I knew the going price of the item on the Net, and had he purchased the trailer online he could have saved \$7.50 on his \$185 purchase. "Of course, the assembly would have taken you about an hour," I added.



Those little moments of contact that we brick-and-mortar shops offer are part of our social contract

he was wasting valuable minutes of his day in a brick-and-mortar store, conversing with a merchant. He could have been at his keyboard, spending money by making even more purchases, more quickly. He tossed his Visa card on the counter, and tapped his thumb against his palm as we waited for the electronic transaction to be completed.

"Must be a lot of people shopping right now, for this to take so long," he said impatiently. He signed the slip and I handed him his receipt. When I offered to carry his

purchase to his car, he froze as though in shock. I'd wondered if I'd accidentally hit his OFF switch.

"Really?" he asked.

"No problem," I said. "I might even thank you and tell you to have a good evening," I teased.

He laughed, and we stepped outside into the clear night. The street lights glowed pale yellow on Third Street. A few cars crept by. I loaded the trailer and waved as the man pulled away.

As I closed up my shop I pictured a world where people had no reason to extend the common courtesies of "thank you" and "you're welcome," in which all their transactions were electronic. Such a world wasn't hard to imagine. I've owned my business for 20 years, and, like most merchants, I've worried about the impact of Internet and mail-order shopping on my livelihood. Though I have noticed some effect, moments like the one I experienced a few days before Christmas steel my resolve to survive, and point up the need all communities have for businesses such as mine. Yes, shop owners provide a needed service, but just as important, we provide a forum where people from different circles of society rub elbows with each other.

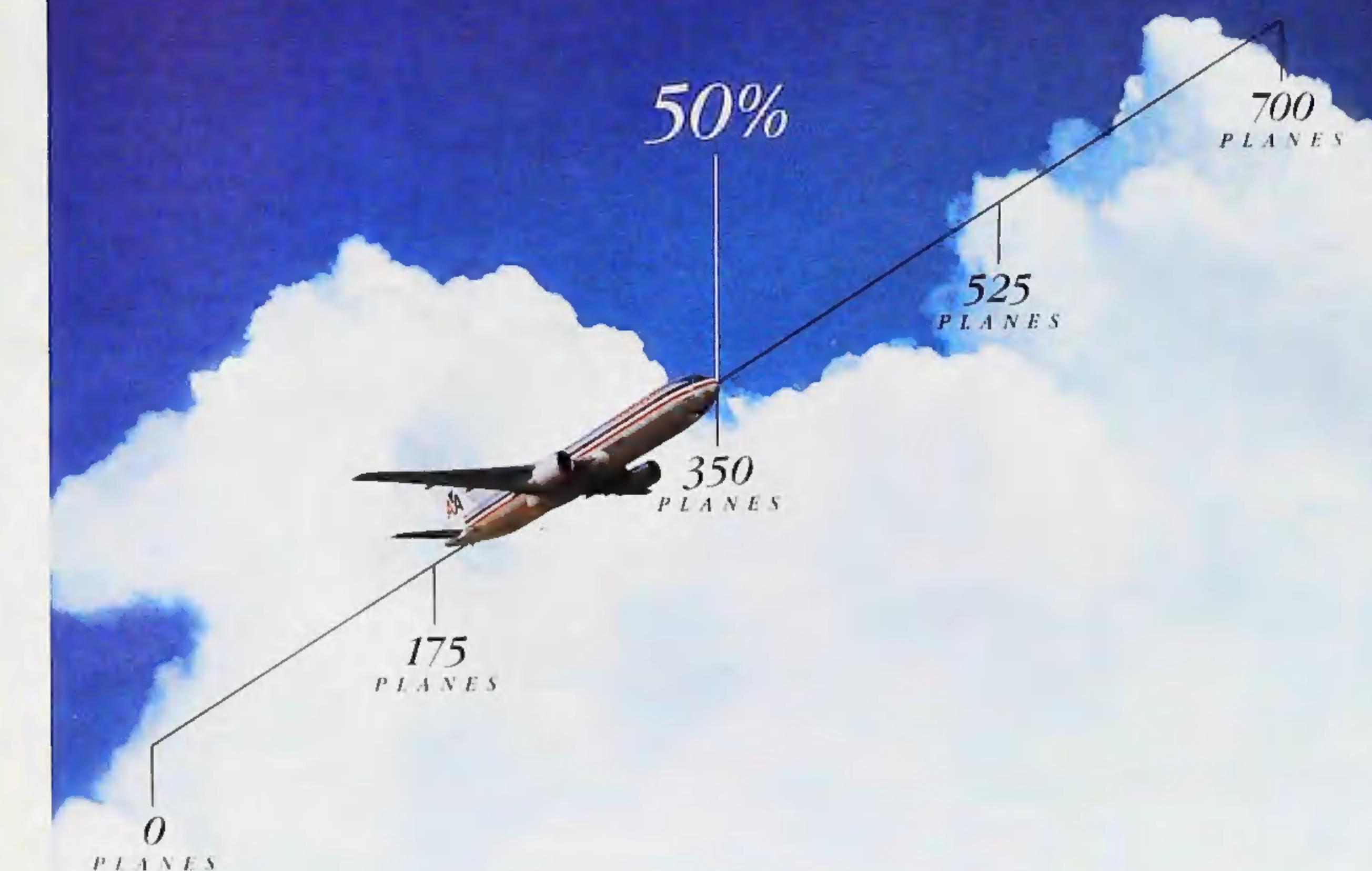
In the early '70s, an obscure writer from Texas, W. D. Norwood Jr., wrote that progress was a myth. Culture is a seesaw, he contended. Something goes up, something comes down. There is no gain without loss. As Americans communicate faster and faster, exchanging more and more money and words in an electronic world, we have to begin to question the value of all this speed. If we believe that commerce is only about the exchange of money for products in as short a time as possible, then we as a culture have suffered a terrible loss of perspective. The seesaw is tipping.

I think my customer had a pleasant time in my shop. For just one moment, his heart calmed and he laughed. And he found something he wanted. I hope he'll come back. I can't promise I'll always have what he wants, but if I don't, I'll help him find it elsewhere. He won't have wasted his time.

Good retail business is a dialogue, not the punching of a few keys and the exchange of an address and a credit-card number. Those little moments of contact that we brick-and-mortar shops can offer are part of our social contract. Maybe we are meant to slow the world down.

VALA-HAYNES lives in Carlton, Ore.

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Snap-on lithium-ion battery gives four hours of playing time between charges. Or use AC power cord.

DEVICES

Another Challenge to Microsoft

CAN BILL GATES CATCH a break? As if his antitrust woes weren't bad enough, Microsoft's chairman now has to contend with Gateway and AOL. The two companies are creating a series of Internet appliances—a countertop device, a desktop machine and a Web tablet—that don't do Windows (they'll run on the Linux operating system). Microsoft isn't the only technology giant that's feeling some pain; these devices

Gateway
COUNTRY

won't have Intel inside. Instead, they'll use Transmeta's ballyhooed Crusoe processor, which emulates a Pentium chip while consuming a fraction of the power, resulting in smaller devices that can go anywhere in your home. And with companies like Sony and Compaq also investing in Transmeta, the Wintel axis could be facing its stiffest challenge yet.

NGAI CROAL, JAMIE RENO and JENNIFER TANAKA

SHOPPING

A True Cat-and-Mouse Game

IN DESPERATE NEED OF A HELLO KITTY CALCULATOR? Backpack? Mechanical pencil? Even if you can't make it to one of the new Hello Kitty Cafes sweeping Asia, you can still be sitting purr-ty courtesy of DreamKitty.com. The online emporium trades in all manner of baubles and tchotchkes stamped with the trendy 25-year-old mug of the mouthless white cat from Japan. The available merchandise at this online boutique out of Canada seems to change frequently. (The Hello Kitty mouse and mousepad we ordered a couple of weeks ago are no longer available.) Last week's hot item: the Hello Kitty Golf Ball for \$9.99.

A Kitty you can click on



MP3

Matching Music to the Macintosh

CHALK UP A POINT FOR MAC USERS IN THE MP3 WARS. Until now, they've been left out by major jukebox makers like RealNetworks. But no more. Last week San Diego-based MusicMatch released a beta version of its jukebox software for the Macintosh. MusicMatch 1.0 for the Mac lets users download, organize, record and play MP3s. And the software allows people to make hassle-free CDs from MP3 files. Mac loyalists can download the free software at www.musicmatch.com.

27

26A MILK MUSTACHE
FAME GAME
27

27A

28

PLAY THE MILK MUSTACHE FAME GAME!

It's easy! Just peel back the game pieces on caps of specially marked gallon jugs of white milk and that's it! Millions of instant prizes are waiting to be won. Or you can collect caps for the Grand Prize: To live the life of a celebrity! You'll travel, appear in your own milk mustache ad, even attend movie premieres and major sports events.

1: Get Milk. Drink Milk! Be famous!

2: Peel Off Game Pieces.

3: Collect and Win.

Grand Prize
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Collect Britney Spears + Milk + Mustache

First Prize
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Collect Beyoncé + Milk + Mustache

Second Prize
Portable CD Player
Collect David Bowie + Milk + Mustache

Third Prize
Autographed Poster
Collect Superman + Milk + Mustache

got milk?

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LETTERS

MAIL CALL

Courage and Suffering

Readers of our May 22 cover story were grateful to both NEWSWEEK and Michael J. Fox for focusing attention on Parkinson's disease. "Since Fox disclosed his battle against Parkinson's, we can't help admiring his courage and integrity," wrote one. "Watching the way someone like Michael J. Fox has dealt with this affliction should bring hope to anyone who has been recently diagnosed," added another. Some readers emphasized that "everyday people suffer just as much from debilitating conditions as their more visible celebrity counterparts." Declared one: "The millions of people silently battling illness in less-than-luxurious circumstances are the real courageous ones."



Probing Parkinson's Mysteries

AS A FIRST-YEAR MEDICAL STUDENT who was required to take a course in neuroscience last semester, I can honestly say that I loved your article, "The New War on Parkinson's" (SOCIETY, May 22). The PET scans, diagrams and factual information concerning drugs and symptoms were right on target. God bless Michael J. Fox and everyone else who is working around the clock to solve this horrible degenerative disease. Good job, NEWSWEEK; I think you might just have helped America out here.

SASHI ARABOLU
OKLAHOMA CITY, OKLA.

MY 53-YEAR-OLD BROTHER-IN-LAW WAS diagnosed with early-onset Parkinson's almost two decades ago. I have watched how he and my sister and their sons have dealt with this cruel disease. As NEWSWEEK stated with perfect accuracy, "the miracles eventually cease." Indeed they do. The reality of a "chronic," not "acute," disorder places unbelievable stress on victims and their families. Your profiles of a cancer surgeon, a fabulously successful actor and a well-known author as Parkinson's sufferers give a skewed perspective. Michael J. Fox

can ski and travel, the surgeon can still occasionally ride his collection of motorcycles and I'd wager that Pauline Kael can afford quality in-home care. I don't want to diminish their battles, but if anyone wants to get teary-eyed, come spend some time with my sister, a sixth-grade teacher, and my brother-in-law, a former English teacher, and witness the lives of a couple of everyday heroes.

ANN K. FRONCKOWIAK
BUFFALO, N.Y.

MY FATHER HAS ALWAYS BEEN MY HERO. His heroism continues as he copes with Parkinson's disease. His erratic tremors don't stop him from playing tennis. His constant exhaustion doesn't stop him from helping to lead his area support group. And his wild, jerky movements add to the humor when he performs his magic as "The Great Parkinsoni." Like millions of others, he does his best to keep on living his life with courage and dignity.

JILL GREEN
PHOENIX, ARIZ.

AS A PHYSICIAN ENGAGED IN MEDICAL research, I truly appreciate the importance of fetal-tissue and stem-cell research, as demonstrated in your cover story. Political wrangling over fetal-tissue research could threaten the future health of patients suffering from Parkinson's, AIDS and other agonizing chronic afflictions. The quality of life and future health of these patients are simply too high a price to pay for political gain.

SEYMOUR L. ROMNEY, M.D., Chair
Physicians for Reproductive Choice and Health
NEW YORK, N.Y.

THANK YOU SO MUCH FOR SHARING Michael J. Fox's fight with your readers. I, too, am in the fight with Michael. I also have a movement disorder, similar to Parkinson's disease, called dystonia. Our hope is that with Michael's face in the spotlight for Parkinson's, those of us with very similar movement disorders will also be brought closer to a cure. As Fox and all of us fight for an ultimate cure, we are finding amazing ways to cope and overcome. Many people with movement disorders have found help from service dogs. The dogs can act as a brace to prevent falls,

pull wheelchairs and even break the Parkinsonian "freeze" you described by placing a paw on the person's foot. Such dogs have enabled many people with Parkinson's to regain the independence lost to the disease. My own "independence" dog has joined me as a true partner in my personal battle.

JENELLE DORNER
BLOOMINGTON, IND.

Bubble-Gum Pop Grows Up

AS I WAS READING THROUGH YOUR MAY 22 article on "bubble-gum" music ("The Tiger Beat Goes On," ARTS & ENTERTAINMENT), I was deeply offended. Are you going to tell me that when you were growing up, you didn't adore the Beatles? It's the same for this generation! I happen to like the Backstreet Boys, and let me say right now that the expiration date you mention for them is nowhere near. I swear, you guys sound just like my dad.

LAUREN COOPER
COLUMBUS, IND.

I WAS QUITE PLEASED TO STUMBLE upon your article on Hanson. The amazingly talented musicians who make up the band truly deserve the recognition. In a time of computer-enhanced vocals, choreographed dance moves and disingenuous attempts at songwriting, Hanson stands out as a band of phenomenal talent and exceptional musical ability. Hanson is clearly a step above the rest, and your article vividly illustrated their genuine talent and love for music. I'm glad NEWSWEEK has recognized the band's rare, and tremendous, musical abilities.

EMILY RATHGEBER
CLIFTON, N.J.

I KNOW THE MEDIA CONTINUALLY insist that the Backstreet Boys' fan base consists only of fickle teenagers, but let me assure you that this is not the case. Perhaps you should take a look at the Mature Fan Club (www.maturefanclub.com). It consists of BSB fans over the age of 25 and has almost 1,000 members. And membership is growing. That indicates to me that BSB has loyal fans who are very much looking forward to what it has in store for us in the future.

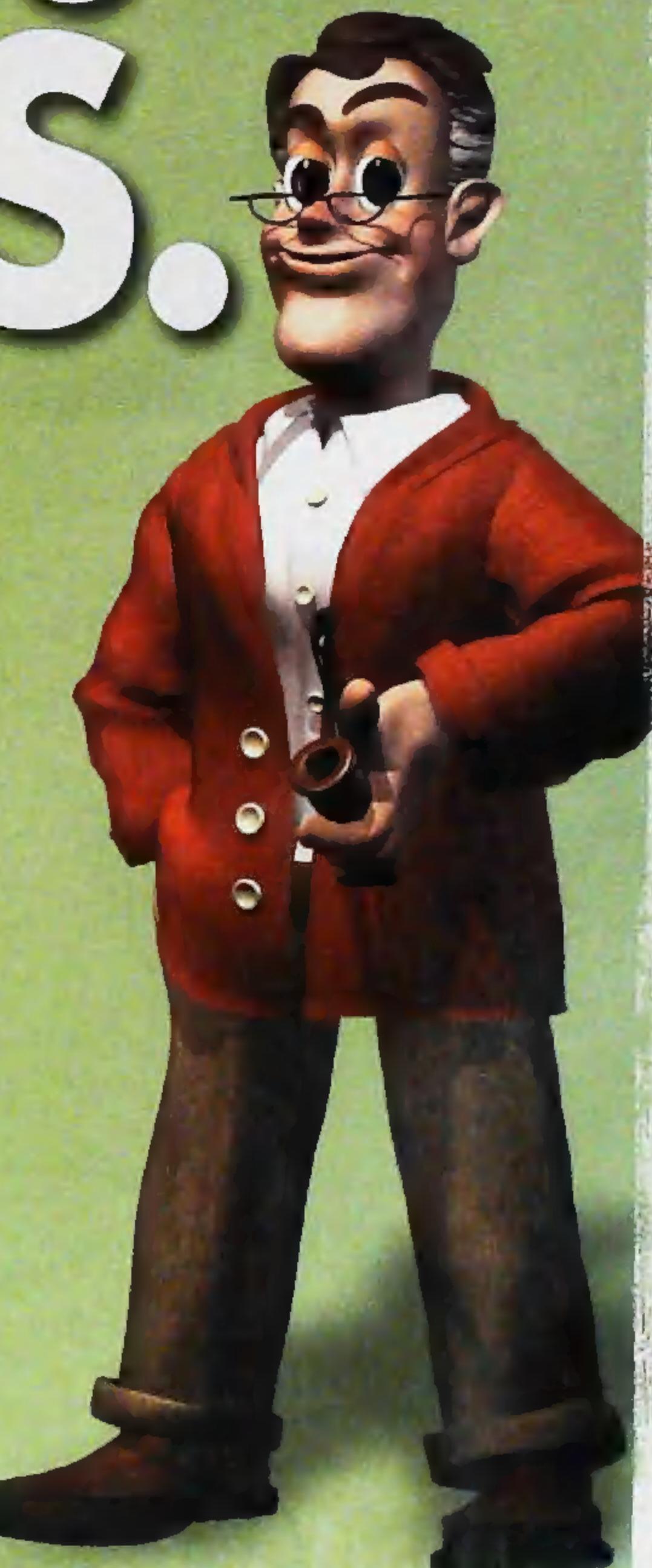
MICHELLE BESS
COVINA, CALIF.

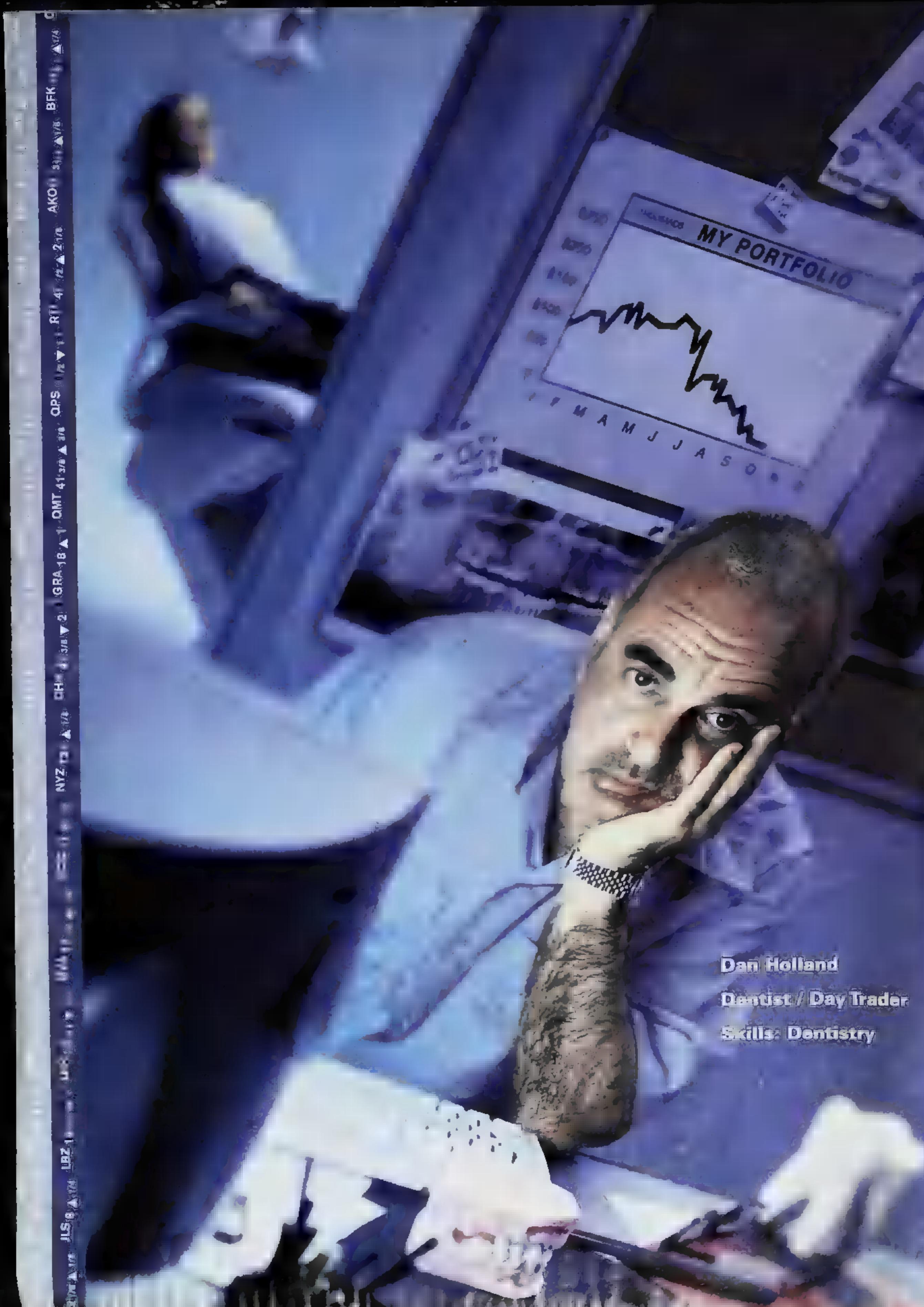
YOUR ARTICLE ON HANSON STATES that the three brothers are "fighting for their right to adulthood." I wish them luck.

SIMON KNOWS DADS.

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Dan Holland
Dentist / Day Trader
Skills: Dentistry

A New Declaration of Online Investing

ARTICLE II.

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TO BE DAY TRADERS.
SOME OF US WERE BORN
TO BE DENTISTS.**

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ShareBuilder
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LETTERS

particularly in light of the fact that the acronym of their first names (Zac, Isaac and Taylor) is "ZIT."

CHARLES CROCKFORD
ONTARIO, CANADA

Rudy Under Siege

VOTERS AND THE MEDIA JUSTLY condemn Rudy Giuliani for the callous public announcement he made about the dissolution of his marriage—before informing his wife ("Sex and the City," NATIONAL AFFAIRS, May 22). But the merciless man also apparently chose the press conference to inform his two children. We might possibly forgive, or overlook, the mayor's marital trespasses. But for what he did to his children, he should be flogged in Times Square.

KATE KARPOLOW
BERKELEY, CALIF

RUDY'S BEHAVIOR THROWS MORE DUNG at the Blessed Virgin Mary than any artist ever did.

DEE TRUJILLO
DENVER, COLO.

I'M 14 YEARS OLD AND ENJOY YOUR MAGAZINE every week. But I was outraged and saddened by what you wrote about Rudy Giuliani, who has a terrible disease: cancer. Right now he needs love, support, encouragement and privacy. He has enough problems and doesn't need the media making jokes about him. Give him a break!

ELIZABETH CRANE
CLINTON, IND.

BY LINES

A New NEWSWEEK—In Arabic

THIS WEEK NEWSWEEK is launching NEWSWEEK BIL LOGHA AL-ARABIA, the first Arabic-language international newsmagazine. For all of us at NEWSWEEK, this offers the opportunity to provide our fresh, nonpartisan, just-the-facts style of journalism to a new group of readers. Our award-winning team of correspondents and photographers will supply in-depth coverage of a broad range of issues, from politics to pop culture, from health trends to the latest technological breakthroughs.

The Arabic edition of NEWSWEEK is published in Kuwait by the Dar Al-Watan Publishing Group, and distributed throughout the Middle East, North Africa and selected cities in Europe and the United States. Our



An early test issue

international reporting is edited in New York, then translated into Arabic by translators and editors based in Washington and Kuwait. Washington Editor Mahmud Shammam oversees the first stage of the process before copy is passed on to Editor-in-Chief Mohammed A. Al-Jassem, based in Kuwait.

NEWSWEEK BIL LOGHA AL-ARABIA is the fifth foreign-language edition for us. Our others are NEWSWEEK NIHON BAN in Japanese, NEWSWEEK HANKU PAN in Korean, ITOGI in Russian and NEWSWEEK EN ESPAÑOL for Latin America. With a global circulation of 4.2 million and an audience of more than 22.5 million, NEWSWEEK is a truly international publication. We are proud to welcome the newest member of our growing family.

The Popular Passat

WE WERE PLEASED TO HAVE A MENTION in your story "VW Rides a Hot Streak" (BUSINESS, May 22). But we wanted to make it clear that we put the Volkswagen Passat on the cover of our Annual Auto Issue in April because it rated tops among four-cylinder family cars in our rigorous tests—not because it was our "readers' favorite inexpensive family car." Consumer Reports also conducts two separate reader surveys: one to obtain data on how various cars hold up over time and how often they need repairs, and another to determine if buyers are satisfied or not with their cars. Our readers also like the Passat: it received the highest score this year in our satisfaction survey.

DAVID HEIM
Managing Editor
Consumer Reports
YONKERS, N.Y.

Clarification

OUR MAY 29 STORY ABOUT TEXAS DEATH-ROW INMATE RICKY McGINN ("A Life or Death Gamble," NATIONAL AFFAIRS) should have made clear that Elisabeth Semel, director of the American Bar Association's Death Penalty Representation Project, was not speaking on behalf of the ABA. Also, she has no firsthand knowledge of the McGinn case and was speaking hypothetically about a lawyer's conduct when she said it was "outrageous" that an appellate attorney for McGinn was not consulting adequately with the client and his family.

ELIZABETH CRANE
CLINTON, IND.

Newsweek

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THE MAGAZINE

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MY TURN submissions should be sent to My Turn Editor, NEWSWEEK, 251 West 57th St., New York, NY 10019-1894.

SPECIAL ISSUE

 This new issue of e-LIFE is a guide to the world of the Internet entrepreneur. It offers tips and tricks—everything from pitching a business plan to great Web resources for small businesses to cool new hardware for both office and road. To order a copy (\$5.95), visit NEWSWEEK.COM, call 800-962-9699 or send check or money order to e-LIFE, P.O. Box 59943, Boulder, CO 80322.

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*Data on file. Pfizer Inc., New York, NY.

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Data on file. Pfizer Inc., New York, NY.

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THE DEATH PENALTY ON TRIAL

HE STOOD AT THE THRESHOLD OF THE EXECUTION chamber in Huntsville, Texas, 18 minutes from death by lethal injection, when official word finally came that the needle wouldn't be needed that day. The rumors of a 30-day reprieve were true. Ricky McGinn, a 43-year-old mechanic found guilty of raping and killing his 12-year-old stepdaughter, will get his chance to prove his innocence with advanced DNA testing that hadn't been available at the time of his 1994 conviction. The double cheeseburger, french fries

Special Report: DNA and other evidence freed 87 people from death row; now Ricky McGinn is roiling Campaign 2000. Why America's rethinking capital punishment. **BY JONATHAN ALTER**

and Dr Pepper he requested for dinner last Thursday night won't be his last meal after all.

Another galvanizing moment in the long-running debate over capital punishment: last week Gov. George W. Bush granted his first stay of execution in five years in office not because of deep doubts about McGinn's guilt; it was hard to find anyone outside McGinn's family willing to bet he was truly innocent. The doubts that concerned Bush were the ones spreading across the country about the fairness of a system with life-and-death stakes. "These

THEY'RE ON DEATH ROW. BUT SHOULD THEY BE?

Five cases where there may be big questions

Groups like the Death Penalty Information Center monitor cases of prisoners on death row whose guilt, the advocates believe, may not be beyond a reasonable doubt. A few top candidates, from the DPIC and others:

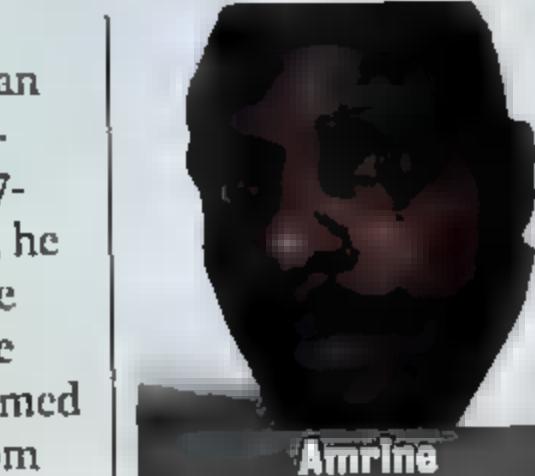
Gary Graham
GRAHAM HAS BEEN
on death row in



death-penalty cases stir emotions," Bush told NEWSWEEK in an exclusive interview about the decision. Imagine the emotions that would have been stirred had McGinn been executed, then proved innocent after death by DNA. So, Bush figured, why take the gamble?

"Whether McGinn is guilty or innocent, this case has helped establish that all inmates eligible for DNA testing should get it," says Barry Scheck, the noted DNA legal expert and coauthor of "Actual Innocence." "It's just common sense and decency."

Even as Bush made the decent decision, the McGinn case illustrated why capital punishment in Texas is in the cross hairs this political season. For starters, McGinn's lawyer, like lawyers in too many capital cases, was no Clarence Darrow. Twice reprimanded by the state bar in unrelated cases (and handling five other capital appeals simultaneously), he didn't even begin focusing on the DNA tests that could save his client until this spring. Because Texas provides only \$2,500 for investigators and expert wit-



nesses in death-penalty appeals (enough for one day's work, if that), it took an unpaid investigator from out of state, Tina Church, to get the ball rolling.

After NEWSWEEK shone a light on the then obscure case ("A Life or Death Gamble," May 29), Scheck and the A-team of the Texas defense bar joined the appeal with a well-crafted brief to the trial court. When the local judge surprised observers by recommending that the testing be done, it caught Bush's attention. The hard-line higher state court and board of pardons both said no to the DNA tests—with no public explanation. This time, though, the eyes of the nation were on Texas, and Bush stepped in.

But what about the hundreds of other capital cases that unfold far from the glare of a presidential campaign? As science sprints ahead of the law, assembly-line executions are making even supporters of the death penalty increasingly uneasy. McGinn's execution would have been the fifth in two weeks in Texas, the 132d on Bush's watch. Is that pace too fast? We now know that prosecutorial mistakes are not as rare as once assumed, competent counsel not as common. Since the Supreme Court allowed reinstatement of the death penalty in 1976, 87 death-row inmates have been freed from prison. With little money available to dig up new evidence and appeals courts usually unwilling to review claims of innocence (they are more likely to entertain possible procedural trial-court errors), it's impossible to know just how many other



In the NEWSWEEK Poll, 73% support the death penalty, down slightly from five years ago; 38% say only the most brutal murderers should be executed

conviction was based on the testimony of two fellow prisoners who said they witnessed the murder. But the two told different stories, and both later said they had lied under pressure from a prison investigator.

Larry Osborne

OSBORNE—AT 20 Kentucky's youngest death-row inmate—was convicted of killing an elderly couple by setting their house on fire when he was 17. His conviction was based primarily on



Osborne

statements from a 15-year-old friend, who Osborne's lawyer says was pressured to snitch by investigators. The friend then drowned before he could be cross-examined at the trial. There was no compelling physical evidence. An appeal is pending.

John Francis Wille

ADRIFTER FROM Florida, Wille was convicted along with his girlfriend in the 1985 kidnapping and murder of an 8-year-old girl in Louisiana. Their convictions were based entirely on confessions they made at the time. (His girlfriend is currently serving a life sentence.) But Wille's lawyer claims they both have histories of false confessions. And he says the forensic



Spirko

evidence contradicts their stories.

John Spirko

SPIRKO WAS CONVICTED in 1984 of killing the Elgin, Ohio, postmaster. But the chief witness against Spirko said he was only 70 percent sure of his identification. And records indicate that Spirko's codefendant was actually 600 miles away at the time of the crime. Evidence implicates others in the murder. Spirko remains on death row, but in 1995 a judge granted him an indefinite stay.

moratorium on capital punishment in January after 13 wrongfully convicted men were released from Illinois's death row. It looked like a one-day event. Instead, the decision has resonated as one of the most important national stories of the year. The big question it raises, still unanswered, how can the 37 other states that allow the death penalty be so sure that their systems don't resemble the one in Illinois?

So for the first time in a generation, the death penalty is in the dock—on the defensive at home and especially abroad for being too arbitrary and too prone to error. The recent news has prompted even many conservative hard-liners to rethink their position. "There seems to be growing awareness that the death penalty is just another government program that doesn't work very well," says Stephen Bright of the Southern Center for Human Rights.

prisoners are living the ultimate nightmare.

In that sense, the latest debate on the death penalty seems to be turning less on moral questions than on practical ones. While Roman Catholicism and other faiths have become increasingly outspoken in their opposition to capital punishment (even Pat Robertson is now against it), the new wave of doubts seems more hardheaded than soft-hearted, more about justice than faith.

The death penalty in America is far from dead. All it takes to know that is a glimpse of a grieving family, yearning for closure and

worried about maximum sentences that aren't so long. According to the new NEWSWEEK Poll, 73 percent still support capital punishment in at least some cases, down only slightly in five years. Heinous crimes still provoke calls for the strongest penalties. It's understandable, for instance, how the families victimized by the recent shooting at a New York Wendy's that left five dead would want the death penalty. And the realists are right: the vast majority of those on death row are guilty as hell.

But is a "vast majority" good enough when the issue is life or death? After years when politicians bragged about streamlining the process to speed up executions, the momentum is now moving the opposite way. The homicide rate is down 30 percent nationally in five years, drawing some of the intensity from the pro-death-penalty argument. And fairness is increasingly impor-

tant.

FOR VOTE: TALK ABOUT THE DEATH PENALTY ON NEWSWEEK.COM

Rush stayed McGinn's execution for political reasons, say 59%, not because of evidence; 51% say other governors also put politics first in capital cases

TO LIVE AND TO DIE

tant to the public. Although only two states—Illinois and New York—currently give inmates the right to have their DNA tested, 95 percent of Americans want that right guaranteed, according to the NEWSWEEK Poll. Close to 90 percent even support the idea of federal guarantees of DNA testing (contained in the bipartisan Leahy-Smith Innocence Protection bill), though Bush and Gore, newly conscious of the issue, both prefer state remedies.

The explanation for the public mood may be that cases of injustice keep coming, and not just on recent episodes of the "The Practice" that (with Scheck as a script adviser) uncannily anticipated the McGinn case. In the last week alone Bush pardoned A. B. Butler after he served 17 years in prison for a sexual assault he didn't commit, and Virginia Gov. James Gilmore ordered new testing that will likely free Earl Washington, also after 17 years behind bars. All told, more than 70 inmates have been exonerated by DNA evidence since 1982, including eight on death row.

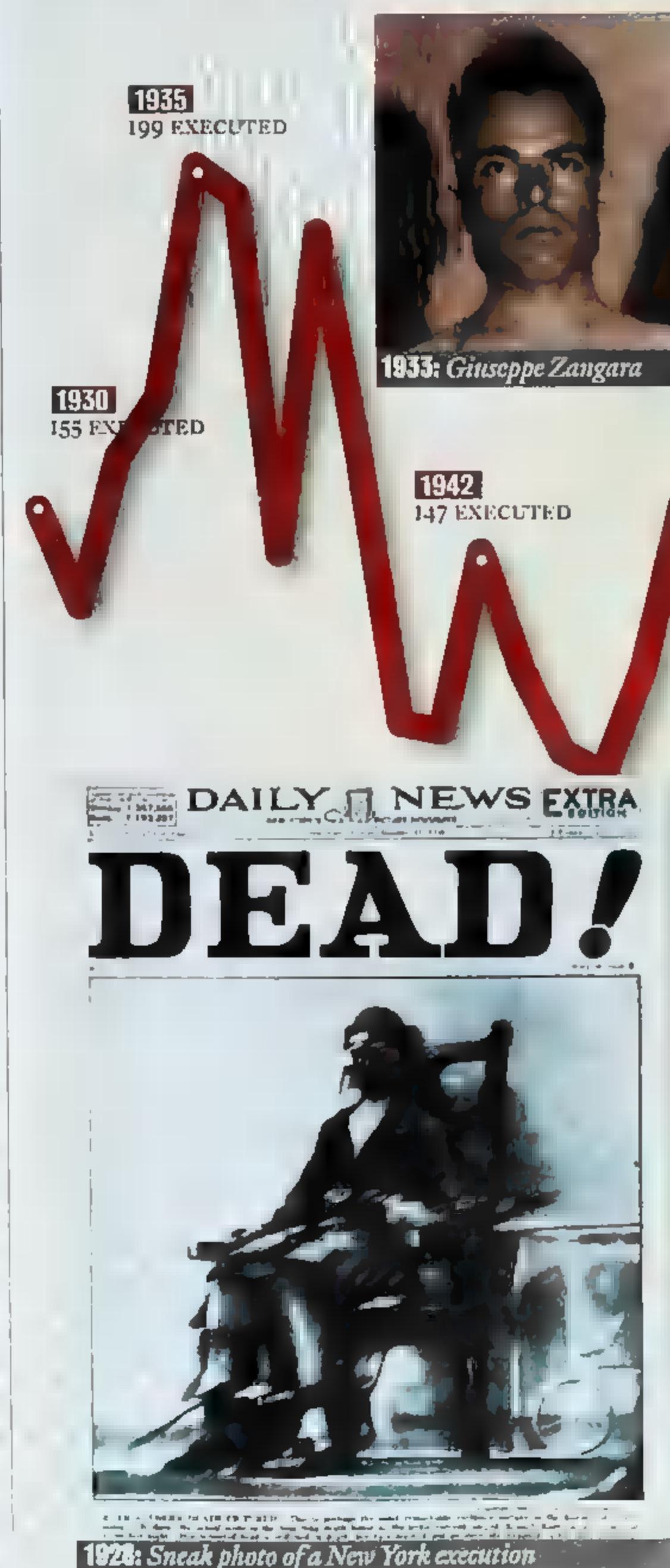
Death-penalty advocates often point out that no one has been proved innocent after execution. But the DNA evidence that could establish such innocence has frequently been lost by prosecutors with no incentive to keep it. In a recent Virginia case, a court actually prevented posthumous examination of DNA evidence. On the defense side, lawyers and investigators concentrate their scarce resources on cases where lives can be spared.

And while DNA answers some questions, it raises others: if so many inmates are exonerated in rape and rape-murder cases where DNA is obtainable, how about the vast majority of murders, where there is no DNA? Might not the rate of error be comparable?

Politics, for once, seems to be in the background, largely because views of the death penalty don't break down strictly along party lines. Ryan of Illinois is a Republican; Gray Davis, the hard-line governor of California, a Democrat. The Republican-controlled New Hampshire Legislature recently voted to abolish the death penalty, the Democratic governor vetoed the bill. Perhaps the best way to understand how the politics of the death penalty is shifting is to view it as a tale of two Rickys:

In January 1992, Arkansas Gov. Bill Clinton interrupted his presidential campaign to return home to preside over the execution of Ricky Ray Rector, a black man convicted of killing a police officer. Rector had lobotomized himself with a bullet to his head; he was so incapacitated that he asked that the pie served at his last meal be saved for "later." By not preventing the execution of a mentally impaired man, Clinton was sending a strong message to voters: the era of

Inmates Executed Each Year in the United States



After a spate of well-publicized cases in which innocent men were sentenced to die, the nation's death-penalty debate seems to be taking on new urgency. Crime, after all, is down. But the annual total of executions in the United States is still rising, principally because appeals create long delays between a prisoner's sentencing and execution. A graphic history of the American way of death:

1930s Executions rise to an average 167 a year, the highest for any decade in U.S. history

■ Giuseppe Zangara gets the death penalty for killing Chicago Mayor Anton Cermak during an assassination attempt on FDR. The execution takes place exactly 33 days after the shooting.

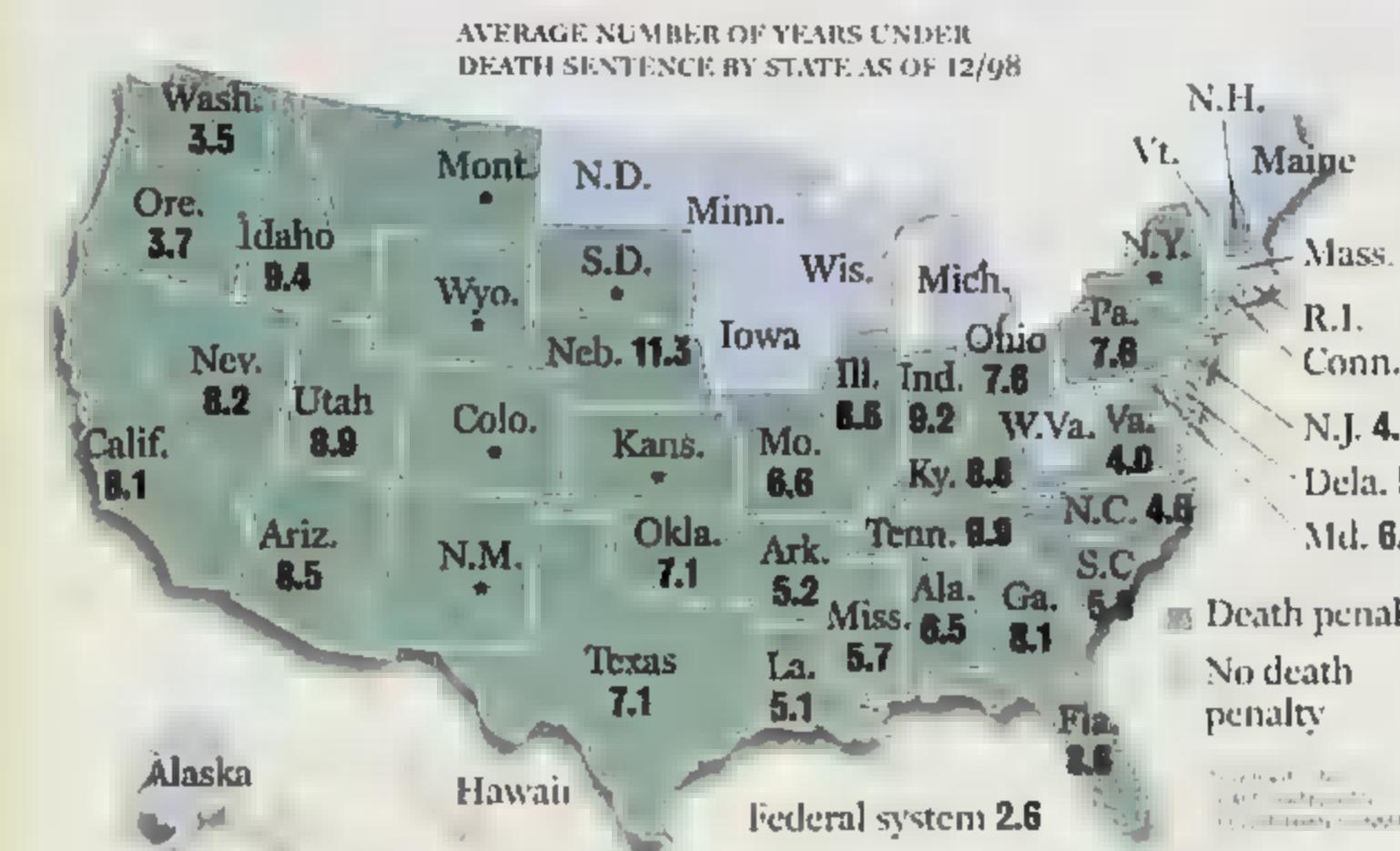


■ Julius and Ethel Rosenberg, convicted of giving U.S. atomic-bomb secrets to the Soviet Union, become the first U.S. civilians to be executed for espionage

1966 Crime is down, the economy is up and public support for the death penalty falls to 42 percent in the Gallup poll

The Executioner's Song Can Last for Years

How long death-row inmates must wait for execution varies sharply from state to state. Nebraska, where the delay averages 11.3 years, is slowest. But the interval between sentencing and execution is getting longer nationwide.



They Shall Be Released

Since the 1970s, 87 inmates have been freed from death row because of problems or errors in the legal process. Common reasons for reversal include:

■ Key witnesses lied or recanted their testimony

■ Police overlooked or withheld important evidence

■ DNA testing showed someone else committed the crime

■ The defense lawyer was incompetent or negligent

■ Prosecutors withheld exculpatory evidence from the defense

World Leaders

In 1999, China easily led all nations with 1,077 executions, followed distantly by Iran (165), Saudi Arabia (103), Democratic Republic of the Congo (100) and the United States (98).



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soft-on-crime Democrats was over. Even now, Al Gore doesn't dare step out front on death-penalty issues.

Ricky McGinn's case presented a different opportunity for Bush. While the decision to grant a stay was largely based on common sense and the merits of the case, it was convenient, too. In 1999, *Time* magazine caught Bush making fun of Karla Faye Tucker, the first woman executed in Texas since the Civil War. Earlier this year, at a campaign debate sponsored by CNN, the cameras showed the governor chuckling over the case of Calvin Burdine, whose lawyer fell asleep at his trial. In going the extra mile for McGinn over the

objections of the appeals court and parole board, Bush looked prudent and blunted some of the criticism of how he vetoed a bill establishing a public defenders' office in Texas and made it harder for death-row inmates to challenge the system.

That system has scheduled 19 more Texas executions between now and Election Day. Gary Graham, slated to die June 22, was convicted on the basis of one sketchy eyewitness account when he was 17. The absence of multiple witnesses would make him ineligible for execution in the Bible ("At the mouth of one witness he shall not be put to death"—Deuteronomy 17:6); and Gra-

ham's age at the time he was convicted of the crime in 1981 would make him too young to be executed in all but four other nations in the world.

Americans might not realize how upset the rest of the world has become over the death penalty. All of our major allies except Japan (with a half-dozen executions a year) have abolished the practice. Only China, Iran, Saudi Arabia and Congo execute more than the United States. A draft version of the European Union's Bill of Rights published last week bars EU countries from extraditing a suspected criminal to a country with a death penalty. (If approved, this

could wreak havoc with international law enforcement). Admission to the EU is now contingent on ending capital punishment, which will force Turkey to abolish its once harsh death-penalty system.

The execution of juvenile offenders is a particular sore spot abroad. The United States has 73 men on death row for crimes committed when they were too young to drink or vote (mostly age 17). 16 have been executed, including eight in Texas. That's more than the rest of the world combined.

So far, opposition abroad has had little effect at home. What changed the climate in the United States was a series of cases in Illi-

nois. The story traces back to the convictions of four black men, two of whom were condemned to die, for the 1978 murders of a white couple in the Chicago suburb of Ford Heights. In the early 1980s, Rob Warden and Margaret Roberts, the editors of a crusading legal publication called *The Chicago Lawyer*, turned up evidence that the four might be innocent. The state's case fell apart in 1996, after DNA evidence showed that none of the so-called Ford Heights Four could have raped the woman victim. It was only one case, but it had a searing effect in Illinois for this reason: three other men confessed to the crime and were convicted of it. The original

four were unquestionably innocent, and two of them had nearly been executed.

By then other Illinois capital cases were falling apart. Some of the key legwork in unraveling bum convictions came from Northwestern University journalism students. Late in 1998 their school hosted a conference on wrongful convictions. The event produced a stunning photo op: 30 people who'd been freed from death rows across the country, all gathered on one Chicago stage.

But it was another Illinois case, early in 1999, that really began to tip public opinion. A new crop of Northwestern students

HOW BUSH MADE THE CALL

A huddle with aides and a sharp sense of the media play

BY HOWARD FINEMAN

WHEN THE FAXES arrived on the plane, the "body guy" didn't think the governor had to see them right away. Karen Hughes, George W. Bush's right hand, knew better. She'd checked in with Austin. Ricky McGinn's appeals were failing. The DNA issue was hot. The execution was set for 6 p.m. the next day. With Bush out of state, any reprieve technically was up to the acting governor, a Democrat who hoped to grant one. If Bush wanted to deny a reprieve, he'd have to rush home.

So in a car in Albuquerque last Wednesday morning, Bush focused intently on the case. He'd tentatively signed off on it 13 days before—but only as one of four cases in a two-hour briefing during a busy day at home for "state business." Now he read the faxes from his counsel, Margaret Wilson. He spoke to her by mobile phone, hashed things out with Hughes and made his call: yes, new DNA technology might well cast doubt on McGinn's guilt. Bush would tell the press that he was "inclined" to give a reprieve. The story made headlines, and McGinn was



IN HIS CAR, Bush and a

given a stay the next day. The episode was revealing: a real-time example of Bush's leadership style. He sets and clings to broad goals, in this case "swift and just" execution of death-row inmates. He relies heavily on trusted aides—more than ever since he is holding one job while running for another. He has a visceral feel for the media and their discontents, and jumps ahead to the next safe spot.

Reviewing death-penalty cases, Bush says, is his "most profound" duty as governor.

denied that the sheer volume of executions raised the risk of a nightmare mistake. "We take lots of time on these cases," he said. "I'm talking about my staff, the attorney general's office and me."

But in Bush's intensely personal world, decision making is less about judging the facts than reading people. He asks his aides blunt questions and scrutinizes them for signs of uncertainty. It seems there were none in the mansion meeting of May 18, though reform advocates had been agitating about the case. It was press coverage—and the resultant involvement of DNA experts—that forced Bush's hand.

Bush denies that politics drove his decision—though 59 percent of voters in the *NEWSWEEK* Poll thought so. He also claimed not to care that the likes of well-known DNA expert Barry Scheck had descended on Texas. "With all due respect to Mr. Scheck, he had nothing to do with my decision," Bush said. "People like to read all kinds of motives into these things, and I understand that. These death-penalty cases stir emotions. But all I ever ask are two questions: is there doubt about guilt based on the evidence, and did the defendant have full access? In this case, there was doubt. But what about the next batch, and the one after that? After last week, chances are, the briefings will run a little longer."

THE CENTER OF THE STORM

McGinn gets a last shot to prove a lot of evidence wrong

BY MARK MILLER

RICKY MCGINN IS NOBODY'S poster boy for ending capital punishment. Even before he got the death sentence for the 1993 rape and bludgeon murder of his 12-year-old stepdaughter, Stephanie Rae Flannery, McGinn, 43, had been tried and acquitted of murder in an unrelated case. He was once accused of rape—no charges were filed—and his daughter by a previous marriage has testified that McGinn molested her (again, he was not charged). He is also a key suspect in two unsolved murders of women that occurred in Brown County, Texas, in 1989 and in 1992.

Now McGinn's life may be hanging by a tiny fragment of hair—a pubic hair found in the victim's vagina during autopsy. Some time soon, this crucial piece of evidence will be subjected to mitochondrial DNA testing, a new lab technique. If the test proves the hair was McGinn's, his execution will be rescheduled and he will likely die later this year. But if the hair is someone else's, he may escape death and, possibly, get a new trial.

When McGinn was tried, the prosecution theorized that



RICKY MCGINN and a
young girl he reportedly

killed the girl while raping her. Rape was the "aggravating circumstance" that persuaded the jury to impose the death penalty. Brown County District Attorney Lee Hance says McGinn was convicted of

also found blood in his Ford Escort, a drop of blood on his shoe and another drop on his shorts; all were type A positive, Stephanie's blood type.

But DNA testing at the time wasn't able to identify the pubic hair (prosecutors said it was "microscopically similar" to McGinn's) or to find DNA in a possible semen stain on Stephanie's shorts. The mitochondrial DNA testing will probably identify the hair, and another new DNA-analysis technique, known as STR (for short-tandem repeat) testing, may identify the semen.

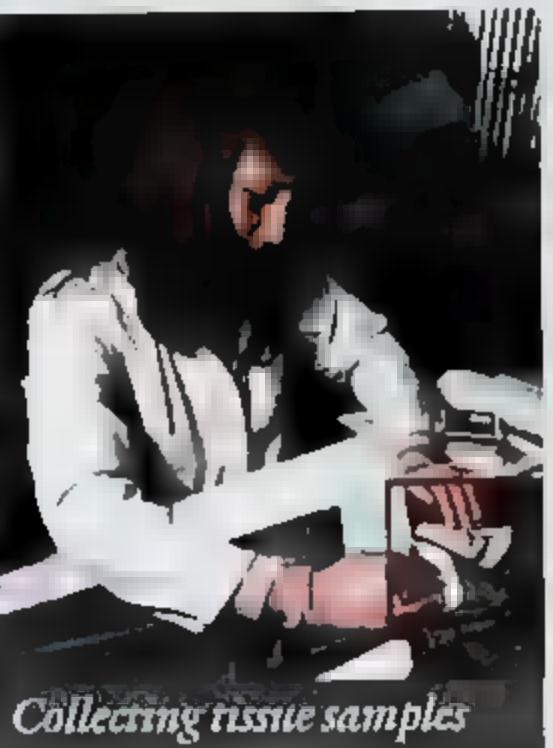
McGinn still insists he was framed. He points out that the bloody hammer wasn't found during repeated searches of his truck by sheriff's deputies, implying that it was planted, and he cites a trial witness who said Stephanie's body wasn't in a

culvert at a time when the authorities said it should have been there. He says testimony about the approximate time of death eliminates him as a suspect because he was already in custody. He also denies that he sexually abused his stepdaughter. "My wife kept me satisfied," he says. "I didn't need to go anywhere else, especially a 12-year-old girl." Those are hardly convincing words, but now McGinn will have a chance and by law at least 61 days—to try to prove the rest of the evidence wrong.

HOW DNA TESTING WORKS

The tools for solving rapes and murders have improved rapidly. Five years ago DNA tests couldn't link suspects to hair or semen found on a victim. Today a crime lab can identify unique DNA patterns in a tiny sample of just 100 to 200 cells. The steps scientists take to implicate or exonerate suspects:

1 Collect biological materials from the crime scene and the suspect under investigation, such as blood, hair, semen or saliva. Every cell is a unique library of DNA sequences. The goal is to find out if the forensic and suspect's samples match.



Collecting tissue samples

3 Amplify the DNA by separating paired filaments and mixing them with short fragments known as primers. When a primer locks onto a particular site on a sample DNA molecule, it triggers production of a longer fragment that matches a piece of the sample.



A DNA strand consisting of paired filaments

4 Segregate the resulting DNA strands. A sample mixed with 13 primers multiplies into millions of distinctive molecules. Exposed to an electrical current, the molecules are sorted into color-coded bands on a gel.



2 Purify DNA by mixing the sample with chemicals that break down other cellular material. DNA molecules consist of paired filaments that interlock like zippers, and each filament is made up of chemical "bases" (A, C, T and G) aligned in unique sequences.

A white speck of human DNA

SOURCE: MARK TURPIN, CELLMARK DIAGNOSTICS

helped prove the innocence of Anthony Porter, who at one point had been just two days shy of lethal injection for a pair of 1982 murders. Once again, the issue in Illinois wasn't the morality of death sentences, but the dangerously sloppy way in which they were handed out. Once again a confession from another man helped erase doubt that the man convicted of the crime, who has an IQ of 51, had committed it.

By last fall the list of men freed from death row in Illinois had grown to 11. That's when the Chicago Tribune published a lavishly researched series explaining why so many capital cases were suspect. The Tribune's digging found that almost half of the 285 death-penalty convictions in Illinois involved one of four shaky components: defense attorneys who were later suspended or

disbarred, jailhouse snitches eager to shorten their own sentences, questionable "hair analysis" evidence or black defendants convicted by all-white juries. What's more, in the weeks after those stories appeared, two more men were freed from death row. That pushed the total to 13—one more than the number of inmates Illinois had executed since reinstating the death penalty in 1977.

The Porter case and the Tribune series were enough for Governor Ryan. On Jan. 31, he declared a moratorium on Illinois executions, and appointed a commission to see whether the legal process for handling capital cases in Illinois can be fixed. Unless he gets a guarantee that the system can be made perfect, Ryan told NEWSWEEK last week, "there probably won't be any more deaths," at least while he's governor. "I be-

lieve there are cases where the death penalty is appropriate," Ryan said. "But we've got to make sure we have the right person. Every governor who holds this power has the same fear I do."

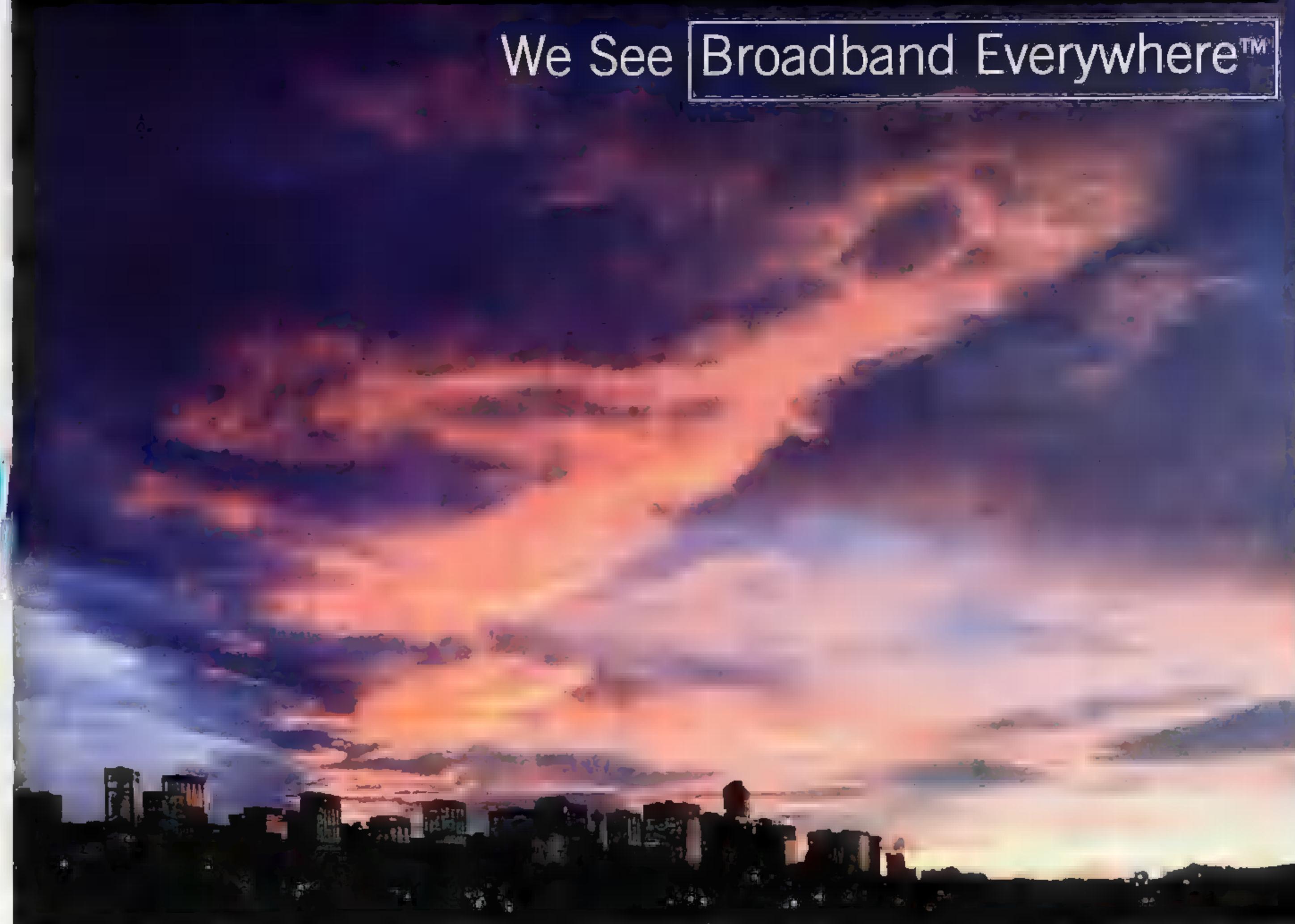
But few are acting on it. In the wake of the Illinois decision, only Nebraska, Maryland, Oregon and New Hampshire are reviewing their systems. The governors of the other states that allow the death penalty apparently think it works adequately. If they want to revisit the issue, they might consider the following factors.

Race: The role of race and the death penalty is often misunderstood. On one level there's the charge of institutional racism: 98 percent of prosecutors are white, and, according to the NAACP Legal Defense Fund, they are much more likely to ask for the death

95% say states should permit DNA testing whenever it might prove a guilty defendant innocent; **88%** think Washington should require states to permit such testing

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penalty for a black-on-white crime than when blacks are the victims. Blacks convicted of major violent offenses are more likely than white convicts to end up on death row. But once they get there, blacks are less likely than white death-row inmates to be executed because authorities are on the defensive about seeming to target African-Americans. The result is both discrimination and reverse discrimination—with deadly consequences.

The risk of errors: The more people on death row, the greater chance of mistakes. There are common elements to cases where terrible errors have been made: when police and prosecutors are pressured by the community to "solve" a notorious murder; when there's no DNA evidence or reliable eyewitnesses; when the crime is especially heinous and draws large amounts of pretrial publicity; when defense attorneys have limited resources. If authorities were particularly vigilant when these issues were at play, they might identify problematic cases earlier.

Deterrence: Often the first argument of death-penalty supporters. But studies of the subject are all over the lot, with no evidence ever established of a deterrent effect. When parole was more common, the argument carried more logic. But nowadays first-degree murderers can look forward to life without parole if caught, which should in theory deter them as much as the death penalty. It's hard to imagine a criminal's thinking: "Well, since I might get the death penalty for this crime, I won't do it. But if it was only life in prison, I'd go ahead."

Inadequate counsel: Beyond the incompetent lawyers who populate any court-appointed system, Congress and the Clinton administration have put the nation's 3,600 death-row inmates in an agonizing Catch-22. According to the American Bar Association Death Penalty Representation Project, in a state like California, about one third of

death-row inmates must wait for years to be assigned lawyers to handle their state direct appeals. And at the postconviction level in some states, inmates don't have access to lawyers at all. The catch is that the 1996 Anti-Terrorism and Effective Death Penalty Act has a statute of limitations requiring that inmates file federal habeas corpus petitions (requests for federal court review) within one year after the end of their direct state appeal. In other words, because they have no lawyer after their direct appeals, inmates often helplessly watch the clock run out on their chance for federal review. This cuts down on frivolous appeals—but also on ones that could reveal gross injustice.

Fact-finding: Most states aren't as lucky as Illinois. They don't have reporters and investigators digging into the details of old cases. As the death penalty becomes routine

not sought. California spends an extra \$90 million on its capital cases beyond the normal costs of the system. Even subtracting pro bono defense, the system is no bargain for taxpayers.

Whether you're for or against the death penalty, it's hard to argue that it doesn't need a fresh look. From America's earliest days, when Benjamin Franklin helped develop the notion of degrees of culpability for murder, this country has been willing to reassess its assumptions about justice. If we're going to keep the death penalty, the public seems to be saying, let's be damn sure we're doing it right. DNA testing will help. So will other fixes. But if, over time, we can't do it right, then we must ask ourselves if it's worth doing at all.

By JOHN MCGRONICK in Chicago, MARK MIREL in Los Angeles, and KEVIN PRAYSON in New York

72% say they are confident that those sentenced to death are guilty, but **82%** agree it's at least a few innocent people have been executed since the '70s



The A team: Who—Shank and his team—joined the case, and why they're fighting to save the life of a condemned killer

and less newsworthy, the odds against real investigation grow even worse. And even when fresh evidence does surface, most states place high barriers against its use after a trial. This has been standard in the legal system for generations, but it makes little sense when an inmate's life is at stake.

Standards of guilt: In most jurisdictions, the judge instructs the jury to look for "guilt beyond a reasonable doubt." But is that the right standard for capital cases? Maybe a second standard like "residual doubt" would help, whereby if any juror harbors any doubt whatsoever, the conviction would stand but the death penalty would be ruled out. The same double threshold might apply to cases involving single eyewitnesses and key testimony by jailhouse snitches with incentives to lie.

Cost: Unless executions are dramatically speeded up (unlikely after so many mistakes), the death penalty will remain far more expensive than life without parole. The difference is in the upfront prosecution costs, which are at least four times greater than in cases where death is

not sought. California spends an extra \$90 million on its capital cases beyond the normal costs of the system. Even subtracting pro bono defense, the system is no bargain for taxpayers.

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By JOHN MCGRONICK in Chicago, MARK MIREL in Los Angeles, and KEVIN PRAYSON in New York

VOICES FROM THE FRONT

I'll be there to watch my 12-year-old daughter's murderer go down

BY MARC KLAAS

SEVEN YEARS AGO I MIGHT HAVE BEEN A DEATH-penalty abolitionist. I might have thought it was cruel and unusual punishment to kill these people. I might have thought that rehabilitation was possible. I know now you don't rehabilitate psychopaths. When Richard Allen Davis gets executed for killing my 12-year-old daughter Polly, after kidnapping her from a slumber party in 1993, I'll be there to watch him go down. I'd like my eyes to be the last thing he sees, just as his eyes were the last thing my child saw.

A life sentence without parole would not have been enough. I don't want another open-ended sentence for this guy. I don't want any ambiguity. The reality of incarceration in America is that everything is based on a lie. We sentence individuals to life without parole and then parole them. We sentence people to life and put them on the streets in 20 years. Nothing is really what it seems. If it were, Charles Manson and Sirhan Sirhan would not be going before parole boards every few years. Polly's killer should never have been on the street. He had been sentenced to more than 200 years.

I don't think you can compare this society with the rest of the world. This is not Sweden. This is not a European country whose crime statistics don't even come close to ours. This is a culture that has 250 million handguns in our cupboards and in our personal armories. We are a violent, brutal society. Our response to that violence has to be harsh and include the death penalty.

I do find it hard to understand how people who have lost family and friends to vicious killers can take a stand against the death penalty, but God bless them. I have compassion for them. They have come to that conclusion having walked in my shoes. It's the others, the Hollywood actors, the dilettantes, the society folks who don't live in my world. They live in gated communities and can surround themselves with extra police patrols and alarm systems. They have forgotten who the real victims are. They will be protesting Richard Allen Davis's execution. They will turn him into a victim.

Why do we coddle these guys? He never showed my child the consideration that has been shown him. The protesters who will be at her killer's execution won't remember Polly Klaas. They never knew Polly Klaas. I know that she wanted to live and she had everything in the world to live for. But he didn't let her live past 12 years old.

KLAAS is the founder and president of the KlaasKids Foundation, a children's advocacy organization.

We cannot go on executing prisoners while our justice system is broken

BY LAWRENCE C. MARSHALL

TEN YEARS AGO I HAD NO STRONG FEELINGS ABOUT the death penalty. Since then, however, I've represented several death-row inmates who turned out to be innocent, and I've studied the realities of capital punishment in the United States. I've concluded that no matter what we think about the morality of the death penalty, the practicalities of how it's currently administered render it indefensible. The decision on who lives and dies often turns less on the facts of a case than on the race of the defendant, the race of the victim and the quality of the defendant's lawyer. The most disturbing reality of all, though, is the system's remarkable propensity to condemn people to die for crimes they did not commit.

During the past 25 years, 87 men and women have been freed from death rows based not on technicalities but on the evidence.

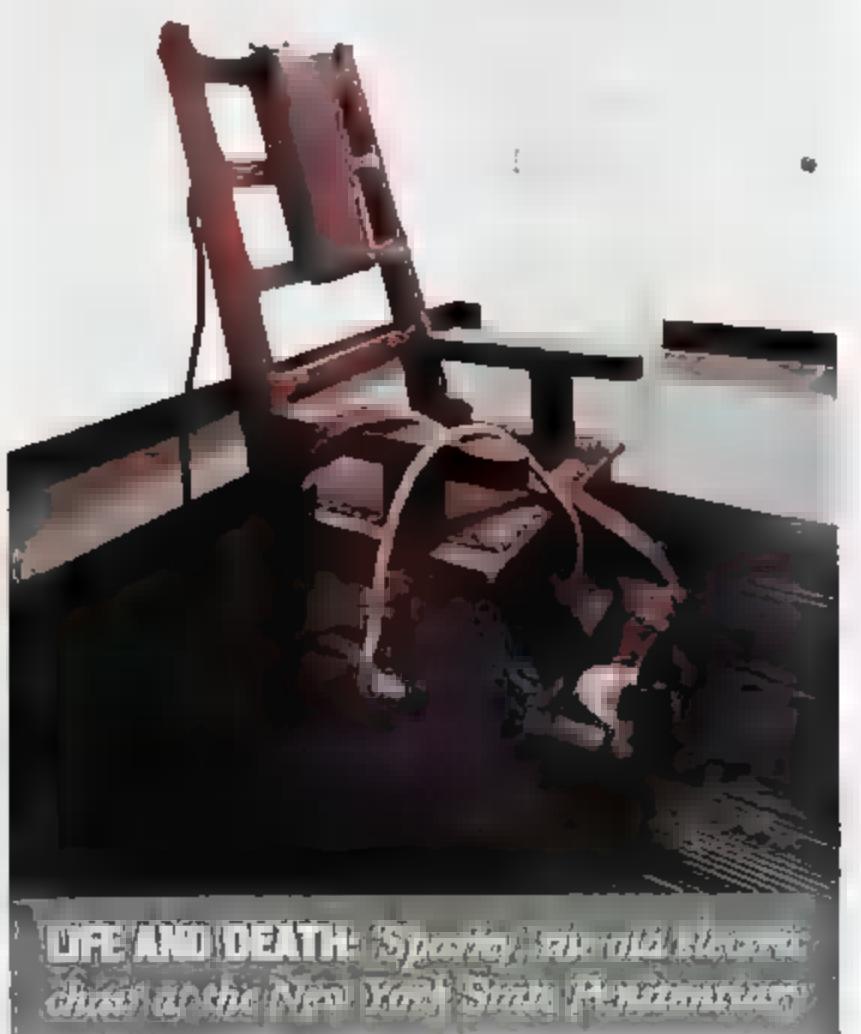
In almost all cases, it took some miraculous event for the truth to emerge. In one case, a man was freed only because a minuscule sample of DNA was found on the side of a test tube 10 years after his conviction. Who knows how many innocent men and women have been executed without any such fluke exposing their innocence? A system that relies on miracles is doomed to commit grievous error.

I cannot imagine the horror that the family of a murder victim experiences and I would not dare criticize some victims' support for capital punishment. One who takes innocent human life must pay dearly, for otherwise we devalue life itself. But we do value life even more when we carry out executions despite clear evidence that the system is broken.

The only true solution is to abolish the death penalty and to sentence our worst offenders to life in prison without parole. Short of that, certain reforms could reduce the risk of wrongful convictions. We

could forbid executions in cases decided on the testimony of one witness, an uncorroborated confession or a jailhouse snitch. We could insist that judges find an absolute certainty of guilt—not just "guilt beyond reasonable doubt"—before levying death penalties. And we could ensure that every defendant has a qualified lawyer who has adequate resources to investigate the case.

But we still would face the question of whether the value of a cutting criminal outweighs the iniquities that will remain. Reasonable minds will differ on this. I do not believe, however, that anyone who looks at it fully can conclude that our current system should be trusted to decide who shall live and who shall die.



DEATH AND DEATH: Spared, right, with her killer, Richard Allen Davis, at the New York State prison

MARSHALL teaches law and law and justice at the University of Wisconsin-Madison. He is the author of *A Justice of the Peace* (University of Wisconsin Press).



Hard money, soft money: One Justice attorney saw 'a classic white-collar [crime] scenario'

EXCLUSIVE

A Very Close Call for Al

Newly revealed memos on the debate over probing Gore

BY MICHAEL ISIKOFF

CHARLES URIBE, CHAIRMAN OF A.J. Construction Co. in New York, got an unusual phone message on Feb. 2, 1996. "The vice president is on the line," his secretary said. "Vice president of what?" Uribe barked. "The vice president of the United States," she said. Uribe immediately took the call, and other executives in the room listened curiously to their boss's end of the conversation, a string of "yes, sirs" and "no, sirs." When Uribe got off he explained. "We need to raise \$50,000 for the campaign," he said, according to an account a colleague later gave the FBI.

It was business as usual for Gore. Dubbed "solicitor in chief" for his aggressive fund-raising, he placed 71 calls from his White House office. Legal questions about Gore's dialing for dollars led Attorney General Janet Reno to consider—twice—appointing an independent counsel to investigate. Both times she declined, drawing bitter criticism from Republicans and even some of her own senior prosecutors.

Just how close did Gore come to an investigation that might have hurt his presidential chances? Perilously close, it turns out. More than 100 pages of internal Justice Department memos, reviewed by NEWSWEEK, shed new light on a largely invisible but fierce intramural fight in 1998 that

played out as the country was transfixed by the Monica Lewinsky scandal. The issue: did Gore lie to the FBI about the kind of political money he had been trying to raise? The record shows prosecutors infuriated by evasive and implausible answers from the vice president and other officials. "This is a classic white-collar [crime] scenario," wrote Justice attorney Judy Feigin.

Only a few months earlier it appeared that Gore was in the clear. The calls had been a political nightmare through most of 1997, when opponents charged that he had violated an old law barring solicitation of campaign money in a federal building. Reno cleared him late that year on a technicality.



Squabbling: Reno with the FBI's Frech

cal but legally crucial distinction: his claim that he had been raising unregulated "soft" money for the Democratic National Committee (DNC) and not "hard" funds earmarked for the re-election campaign. But in July 1998, Gore's lawyers turned over newly discovered notes taken by former aide David Strauss at a 1995 White House meeting attended by Gore. The notes strongly suggested that part of the money Gore raised would be "hard." One notation read: "65% soft/35% hard." Charles LaBella, chief of Justice's campaign-finance task force, who, along with FBI director Louis Freeh, had wanted an independent counsel in 1997, pressed again.

The memo touched off a new flurry of investigation—and infighting. Bradley Marshall, a DNC official who attended the 1995 meeting, confirmed an earlier statement by former White House chief of staff Leon Panetta that hard money had been discussed—with Gore listening. Gore told the FBI that he drank

too much iced tea during the meeting and may have been in the bathroom. This was too much for Feigin. LaBella's deputy "We now have Panetta, Marshall and the contemporaneous Strauss notes," she wrote in August 1998. "On the other side is a group of people who basically 'don't recall.'" Feigin also suggested that a visit to the grand jury might "jog" failing memories. Others still vehemently opposed pursuing Gore. Lee Radek, chief of Justice's public-integrity section, charged that Panetta had changed his statement three times.

But Feigin's memo briefly tipped the scales. James Robinson, chief of Justice's criminal division, reversed his position and recommended an expanded Gore probe, which continued until November 1998. By then, high-ranking Clinton appointee Robert Litt reluctantly supported an independent counsel. The internal dispute was as arcane as it was bitter; even Gore's antagonists conceded that the case against him was too weak to successfully prosecute. But the language of the law, they argued, left Reno no discretion. She disagreed. On Nov. 24 she dropped the case, stating that Strauss's notes did not prove that Gore lied to investigators. From the Gore camp there was a sigh of relief, for dodging what may have been a small legal bullet, but a potentially damaging political wound.



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The New Jersey Purchase

Jon Corzine's \$36 million campaign for the Senate

BY MARK HOSENBALL

TURN ON A TELEVISION in New Jersey these days, and more likely than not he will be looking back at you. He's all over the radio, too, and the newspapers. Jon Corzine wants to be a senator—and he's spending millions to let everyone know it.

Until about two months ago, few voters in the Garden State had ever heard of Corzine. The former CEO of Goldman Sachs was 30 points behind his Democratic primary opponent, former governor Jim Florio. But Corzine has since closed the anonymity gap in a big way, dipping into his \$300 million to \$400 million personal fortune to finance an unprecedented campaign spending spree. By this Tuesday's primary, he will have shelled out an estimated \$36 million to beat Florio—more than any Senate primary candidate in history. Corzine has made hefty donations to civic groups and charities—and



Anonymous no more: Corzine (left) and Florio at a TV debate

filled the coffers of local Democratic candidates. Flipping the traditional fund-raising dinner on its head, he rented a banquet hall and paid for an evening of dinner and music for 800 loyal Democratic voters. At the same time, he has launched a media blitz, spending up to \$2 million a week on TV ads.

A year ago Corzine seemed like the last

man in New Jersey who'd be angling for a Senate seat. A Wall Street whiz kid, he rose quickly through the ranks at Goldman Sachs and made CEO while still in his 40s. But when he was ousted from his post in a power struggle last year, the 53-year-old multimillionaire started casting around for his next big job. He was soon approached by a group

is more liberal than most New Jersey voters—he supports affirmative action and gay marriage and opposes the death penalty—neither of his possible Republican opponents is well known statewide. And even if his GOP rival should come on strong, Corzine's still got a couple hundred million dollars left to fight back. ■

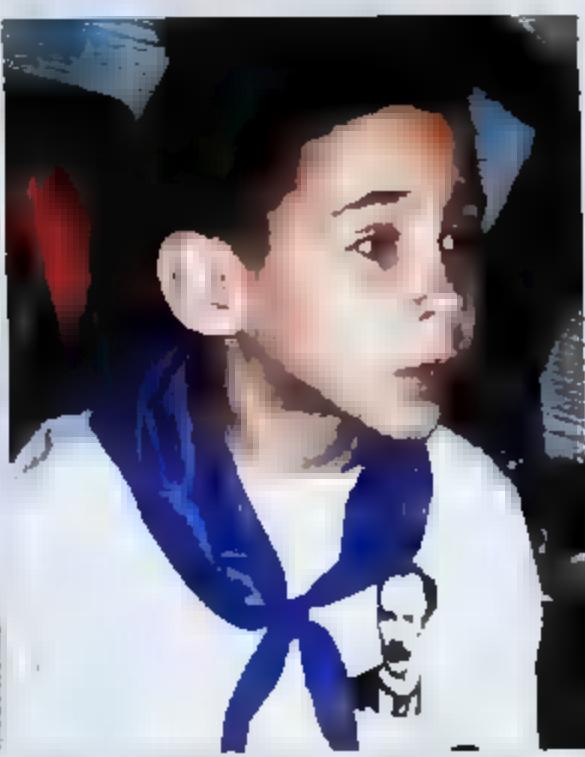
ELIAN

It's Still Too Soon to Wave Goodbye

NO, IT'S NOT OVER YET. Last Thursday a federal appeals panel rejected the latest attempt by Elián González's Miami relatives to keep the boy in the United States—paying the way for Elián to return to Cuba. But don't expect to see him waving goodbye any time soon. The Miami clan can appeal yet

again, either to the full 11th Circuit or to the Supreme Court. Even if they were simply to accept the panel's ruling—which lawyers for both sides seem to think is unlikely—Elián is still under an injunction that will probably keep him in the country at least until the end of the month. Elián is making the most of his

time, swimming and playing. A photo of him wearing the blue scarf of the communist Pioneers youth group prompted charges that his father was "re-educating" him. "As far as I know," says Juan Miguel's lawyer, Gregory Craig, "the only education he's getting is reading, writing and arithmetic." And American constitutional law



In the middle: The Pioneer

of state Democratic operatives who quietly urged him to run for the seat of retiring Sen. Frank Lautenberg. Corzine seemed an appealingly unconventional candidate. Bearded and down to earth, he exuded a shy likability—a sharp contrast to the abrasive and unpopular Florio, who is still remembered for pushing through a \$2.8 billion tax increase during his one term as governor. Best of all, Corzine was rich—freeing him from the drudgery of the money chase.

Tensions between the candidates have erupted into nasty flare-ups. Florio accused Corzine of trying to buy the election. The millionaire is "a walking ATM machine for the Democratic Party," groused a Florio aide. Corzine's camp shot back, accusing Florio of lying about his record. "Jon Corzine has only spent \$1 for every lie Jim Florio has told in this campaign," says Corzine's campaign manager Steve Goldstein. Florio has also accused Corzine of paying private detectives to dig up dirt on him. Last week the campaign admitted to hiring the investigators, but said Corzine didn't know about it and told them to stop when he found out.

If Corzine beats Florio on Tuesday, political observers say he is favored to nab the Senate seat in the fall. Though Corzine

is more liberal than most New Jersey voters—he supports affirmative action and gay marriage and opposes the death penalty—neither of his possible Republican opponents is well known statewide. And even if his GOP rival should come on strong, Corzine's still got a couple hundred million dollars left to fight back. ■

Now, the U.S. Attorney's Office in Jackson, Miss., is preparing to seek new indictments in the case—perhaps as early as this week. NEWSWEEK has learned—although prosecutors would not name the targets. Like the revived investigation into the bombing of the 16th Street Baptist Church in Birmingham, Ala., the White case is part of a determined push to close the books on the Klan murders of the '60s. Claude Fuller, the man who allegedly killed White, died without ever facing charges. The other two Klansmen, James Jones and Ernest Avants, were tried separately and Avants was acquitted. Jones, who has since died, was freed by a hung jury. There was testimony that Avants fired a shotgun blast that virtually decapitated White. But Avants's lawyer argued that his client had shot the old man after he was already dead—and therefore couldn't be convicted of murder. Today Avants denies doing any of the shooting. "It's true he said that," Avants told ABC News. "But it ain't true that I done that."

Avants also said that if he were tried now "hell, I'd be convicted." A candid recognition that times have changed. The prosecutors who are now reopening the old cases, like Assistant U.S. Attorney Jack B. Lacy Jr., see the process as something akin to exorcising historical ghosts. "We can't afford not to deal with the past," says Lacy, who was born in Canton, Miss. "One case that may have been a breakthrough was the 1994 prosecution of white supremacist Byron de

The Ghosts of Mississippi

The new effort to bring old Klansmen to justice for crimes in the '60s is about to pick up speed

BY VERN E. SMITH

IN THE BITTER AND VIOLENT history of the civil rights era in the South, Ben Chester White rates no more than a footnote—and, sometimes, not even that. White never took part in the sit-ins, the marches or the voting-rights campaigns; he was 67, an old farmhand who lived in the country near Natchez, Miss. On June 10, 1966, three Klansmen drove to White's house and asked him to help them find a lost dog. They drove to a remote spot in the Homochitto National Forest. According to testimony at their later trials, one of the three, Claude Fuller, took out a rifle and opened fire on the terrified old man. "Oh, Lord, what have I done to deserve this?" White said as he died. The FBI says it later learned the Klan's plan was to stage a race murder that would bring Martin Luther King Jr. to Natchez—then assassinate King.

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la Beckwith for the 1963 murder of civil rights leader Medgar Evers; Beckwith, 79, is now in prison. Another pivotal case resulted in the conviction of Sam Bowers, the imperial wizard of the White Knights of the Ku Klux Klan, for the 1966 firebombing death of NAACP leader Vernon Dahmer. Mississippi Attorney General Mike Moore says it was simply wrong that Bowers and other

Klansmen weren't prosecuted for murder in the '60s. "I hold Sam Bowers personally responsible not only for the Dahmer killing, but all these killings," Moore says. "He was the imperial wizard and provoker of all this meanness."

The meanest Klan conspiracy of all, Moore says, was the notorious triple murder of James Chaney, Andrew Goodman and Michael Schwerner outside Philadelphia, Miss., in 1964. For 44 days, the FBI searched creeks and thickets all across Neshoba County until an informer's tip led them to an earthen dam where the three men were buried. No state charges were ever filed in the case, although federal authorities eventually prosecuted the Neshoba County sheriff, Lawrence Rainey, deputy Cecil Price, and more than a dozen Klansmen for conspiracy to violate the three men's civil rights. Seven of the defendants were convicted, including Bowers and Price, but

none served more than six years. "They served a little time but that's not enough," Moore says. "On the simplest level, it's a murder case where nobody's ever been prosecuted for murder."

Reopening the Dahmer case has produced new information about the Neshoba County murders. Moore says, adding that "we're getting closer" to producing indictments after all these years. Moore says Bowers, now in prison for the Dahmer murder, is one likely target. Bowers recently denied any role in the three murders. An other potential target of Moore's is Edgar Ray (Preacher) Killen, 75, who is widely believed to have planned the killings. Killen, who was acquitted in the federal trial in 1967, denies involvement. But Moore says, "My message to Preacher Killen is if I can't make a case, you're going to be the first to be indicted." Sooner or later, Moore says, all the Neshoba County Klansmen will face a simple choice: they can be witnesses or they can be defendants.



Revisiting a nightmare: Edgar Ray Killen outside his home, a 1964 FBI poster on Goodman, Chaney and Schwerner

Mission Impossible?

The proposed National Missile Defense system is designed to destroy incoming warheads by ramming it with a "kill vehicle" in the lower reaches of space. That's no proof the \$60 billion system will work. Here's what it's got to do:

1. **Detection:** A satellite detects the launch phase of a missile fired by a "rogue" state—in this example, North Korea.

Inflatable decoy

Warhead

Inflatable decoy

2. **Separation:** The missile releases one or more warheads and a cloud of decoys, some of them inflatable.

Army missile

Warhead



3. **Impact:** Radars and on-board sensors help pick out a warhead and steer the kill vehicle into a 15,000 mph collision.



4. **Battle plan:** The kill vehicle would normally be launched in pairs.

Fooling the Sensors

In the gravity-free near vacuum of space, lightweight decoys can be made to mimic the visual and infrared "signatures" of a heavier warhead.

Inflatable decoys

Competing Defense Theories

Two possibilities for how best to proceed. One is to shoot down a missile early after its launch, before the warhead and decoys are separated. The other is to detonate a nuclear weapon in space, eliminating the decoy task—but raising the environmental cost.

Boost-phase defense: The interceptors would have to be launched earlier in the missile's flight. For example, from a mobile station offshore.

Nuclear explosion: Fallout would be no problem, but an atomic burst in space might blind U.S. satellites and ships, complicating the defense against future attacks.

A Shot in the Dark

INTERNATIONAL

BY JOHN BARRY AND EVAN THOMAS
IT WAS CLASSIC BILL CLINTON, the statesman in repose. As he toured the capitals of Europe last week on his way to a Moscow summit, he proudly tried to sell America's allies on the concept of a national missile defense. With the cold war over, Clinton argued, the biggest nuclear threat comes from "rogue states" like North Korea or Iraq that might be tempted to lob a nuclear warhead, or more likely—use their missiles as chips in a game of blackmail. The United States not only has the technology to stop such a threat, the world's most important superpower is willing to share its know-how with "other civilized nations," said

Clinton. To fail to do so would be "unethical," the president declared.

His hosts listened warily. "We have to be very sure that any such project does not trigger a renewed arms race," warned German Chancellor Gerhard Schröder. The reception in Moscow over the weekend was expected to be even chillier. The Russians are fearful that Washington will jink the 25-year-old antiballistic-missile treaty that bars America and Russia from erecting national missile defenses. The Russians can't afford to rebuild their aging ICBM arsenal to be able to overcome a missile shield in

the West. Clinton will try to convince Russia's new president, Vladimir Putin, that the Kremlin should join Washington in rejecting a new, safer logic of nuclear deterrence, one based on strong defenses rather than the principle of MAD—mutual-assured destruction.

Most Americans thought that arms-control talks ended with the cold war and that Star Wars, a missileproof umbrella over the United States, was a fantasy of Ronald Reagan's. But the worldwide debate over NMD

raises a host of difficult questions about nuclear security in a volatile world in which terrorists can obtain weapons of mass destruction. In the presidential race, Al Gore and George W. Bush will battle over who has the better plan. The first question, which overlooked last week in the diplomatic sparring, is pretty basic: will the NMD systems planned by the United States actually work?

At least one knowledgeable expert has some serious doubts. From his cluttered office overlooking the MIT campus, Prof. Ted Postol watched Clinton's pitch for NMD with disbelief. "I don't know what the president thinks—or if he thinks—about missile defenses. My guess is that he's just repeating what he's told by his staff. And they don't want to acknowledge that the whole thing is a fraud." Strong words, but Postol's credentials give him credibility. As scientific adviser to the chief of naval operations in the early '80s, he

helped develop the Trident 2 missile. After the gulf war, he singlehandedly demolished the Pentagon's exaggerated claims for the success rate of the Patriot antiaircraft system against Iraqi Scuds. Now the MIT physicist has closely studied the military's own tests of NMD. His conclusion: "This system has no chance of working."

Pentagon spokesman rejected Postol's critique, insisting that NMD's capabilities will steadily grow after deployment initially, 25 missile interceptors, based in Alaska, at a cost of \$30 billion—begins in five years or so. (Clinton still has to give the go-ahead, probably this fall.) But the story of how Postol arrived at his gloomy assessment is troubling. Charges of government lying and cover-up are beginning to surface. At the very least, it appears that the hopes for an NMD are somewhat unrealistic and that the rush to build one has been driven more by politics than by technology.

The dream of a Star Wars dome collapsed with the Soviet Union, but the idea lured Postol to MIT. He developed a sensor that would enable a missile interceptor to distinguish decoys from the actual warhead. A year later, in 1996, a TRW scientist, Nina Schwartz, argued that her company's system was hopelessly flawed. Fired by TRW for insubordination, she has sued under a law that protects government "whistle-blowers." TRW denies

of missile defense never went away. The military services all continued to work on programs to protect against missile attacks on the battlefield. By the mid-'90s, Republicans were agitating for a missile defense that would guard American cities against accidental launches or attacks by rogue nations. In the 1996 election, Bill Clinton cleverly trumped GOP candidate Bob Dole by promising a limited, ground-based missile defense. The pressure was on the Pentagon to come up with a system that could be deployed reasonably quickly.

Missile defense—fitting a bullet with a bullet—is hard enough. It is made much more difficult by the use of decoys, which are relatively cheap and easy to dispense from an ICBM. In 1995, the defense contractor TRW was one of the competitors to design a sensor that would enable a missile interceptor to distinguish decoys from the actual warhead. A year later, in 1996, a TRW scientist, Nina Schwartz, argued that her company's system was hopelessly flawed. Fired by TRW for insubordination, she has sued under a law that protects government "whistle-blowers." TRW denies

North Korea

all allegations by Schwartz.) The litigation revealed information on missile-defense testing that would normally be kept secret. At MIT, Postol decided to take a look.

What he saw stunned him. Crucial to NMD's success is the theory that the sensor on a missile interceptor can pick out a warhead because it gives off infrared radiation differently than a decoy does as it tumbles through space. In practice, Postol found from TRW's own flight-test data that decoys and warheads were indistinguishable. What's more, he says, he discovered fakery by the Pentagon's Ballistic Missile Defense Office—BMDO—the successor to the Reagan-era Strategic Defense Initiative. BMDO, charges Postol, is rigging its tests. In the first real trial of the defense system, in June 1997, the interceptor had to pick out a warhead from eight decoys. BMDO hailed the test as a success, but TRW's data showed that in fact the sensor utterly failed. So in subsequent tests, BMDO abandoned plans to use multiple decoys and instead used only one and that—a shiny silver balloon—was so easily recognizable that the sensor couldn't miss. BMDO, Postol says, has been "testing for success."

Postol wrote directly to the White House last month to warn the president's advisers of his findings. Rather than call a halt to the program or even start an investigation, Clinton's aides turned over Postol's letter to the BMDO. The BMDO promptly classified Postol's detailed findings as secret, while publicly dismissing his naysaying. Postol has counterattacked by taking his case to the media, including *Newsweek*. Government watchdogs can't be trusted, he insists, at least when it comes to missile defense. "Nobody gives a damn about the truth," he asserts. "There is no oversight of any kind." White House officials traveling last week with the president rejected Postol's allegations. Clinton, they say, won't decide to go ahead with the system unless he is satisfied that it can be made workable. One top official argued that Postol had failed to take into account new

developments in high-precision radar that will ease the task of picking out warheads from decoys. This official predicted that within a decade the scientists will have worked out the bugs.

Postol himself, unlike some critics of NMD, is not ideologically against building a missile-defense system. He worries about the "asymmetric" threats posed by small and unruly nations with a few big weapons. His

easy target and before it has a chance to throw out decoys. The catch is time and distance: to intercept a missile in boost phase, the interceptor must be within a few hundred miles and ready to fire in less than two minutes.

This is where politics comes back into the picture. To hit the continental United States, a missile launched from the Middle East or North Korea must fly over Russia.

Thus, a land-based system to shoot down missiles in boost phase would have to be based in Russia. Last week Putin tried out a bit of one-upmanship and suggested that the Kremlin might be willing to build such a system—with American help.

If Putin is sincere, his offer would really put America to the test. Some Democrats and veteran arms controllers are uneasy about tinkering with the balance of terror. While in theory it makes sense to move from MAD to defensive standoff, getting there could be exceedingly tricky. George W. Bush is willing to take a more radical approach than the Clinton administration, calling for deeper cuts in ICBMs and more ambitious (and expensive) antimissile defenses. China is already worried about Clinton's proposal. And if China entered the race, would India and Pakistan be far behind? A truly global system of defense might seem to be a giant step toward reducing the risk of nuclear war. But would a Republican-controlled Congress vote to provide old foes like the Russians with a missile shield?



Have Missiles, Will Travel

"Rogue" nations like North Korea and Iran are developing or testing ballistic missiles that could deliver nuclear warheads. So are India and Pakistan, jittery enemies that already

Country	Missile system	Range in miles	Origin of technology
India	Agni-2	1,242	Indigenous, U.S., France
Iran	Shahab-3	807	Indigenous, North Korea
	Shahab-4	1,242	Indigenous, Russia
North Korea	Nodong-1	621	Indigenous
	Taepodong-1	2,174-3,416	Indigenous
Pakistan	Ghauri-1	1,677-2,174	Indigenous, North Korea

SOURCE: CARNEGIE ENDOWMENT NUCLEAR PROLIFERATION PROJECT

concerns are widely shared. True, terrorists may be more likely to try to smuggle a nuclear weapon into the United States in a suitcase than launch one by missile. But the mere capability to fire a nuclear-tipped ICBM at America could give a rogue regime a powerful blackmail tool.

The real question is how to counter that threat. Could any technology give a solid shield? Postol and many other experts suggest that it is easier to shoot down a missile in what is known as boost phase—as it lifts off, while its white-hot plume makes an

Some suspect that the hidden agenda of conservative hard-liners is to give the United States true strategic superiority over Russia and China. Some backers of NMD have suggested putting a boost-phase antimissile system onto submarines or even up in space. Satellites zapping missiles with laser beams—shades of Star Wars. The technical problems of a space-based system are horrendous. Still, for the true believers, the dream of a magic bullet never dies. It just gets renamed.

With Michael J. Corcoran and C.J. Coughlin

Jordan's Queen of Hearts

Rania is young, glamorous, brainy—and sensitive to her culture's traditions. Meet the New Arab Woman.

BY DANIEL KLAIDMAN

IT NEVER OCCURRED TO QUEEN Rania not to visit Saudi Arabia with her husband, King Abdullah. The fresh-faced Jordanian royal, at 29 the youngest queen in the world, knew the harshly conservative kingdom did not appreciate women's mingling in affairs of state—that women in Saudi Arabia weren't even allowed to drive. When she was made to wait in the plane on the Saudi tarmac while Abdullah was treated to a pomp-filled welcoming ceremony, the queen didn't complain. She had no intention of causing a scandal, or insulting anyone's traditions. But she wasn't about to sit alone with the kids back in Amman, either. "I didn't even think that it was not done," Rania told *Newsweek* in a wide-ranging interview, over mint tea and cookies at one of the royal palaces. "It seemed natural to go."

The "natural" course of action for an Arab woman these days—never mind an Arab queen—is often not the most accepted one. Rania's Saudi excursion, like much of what she does and says, divided her kingdom. Conservative courtiers griped that women shouldn't muck around where they don't belong, and a queen, more than anyone, should know enough to follow protocol. Some Jordanian women smiled that Rania probably wore one of her many designer pant suits under the traditional robe and veil. Yet other Jordanians, particularly among educated, younger women, cheered Rania's spirit. "This is a very strong message to Arab women," said Asma Khader, a leading women's activist, "that we are self-confident, can participate in public life and still be rooted in traditional culture."

What is clear to just about everyone is that Jordan's queen faces challenges common to many among her generation, but on a much grander scale. Rania is glamorous, brainy and not afraid of a little controversy. She's got both the style and the smarts to be a



'AN ARAB THROUGH AND THROUGH': Rania

world-class royal, with the political clout to match. She leaves regional politics to King Abdullah, who, like his late father, King Hussein, plays a significant intermediary role in the Middle East peace process (following story). Still, Rania's high-profile puts her in sensitive positions at home when the demands of Arab and Muslim tradition remain strong. I am an Arab through and through, but I am also one who speaks the international language, she says. I will do

represent a large segment of women in the Arab world ... I share with them their hopes and aspirations and the challenges they face."

As a young woman, Rania never expected to be a queen. She was born in Kuwait to Palestinian parents who left their home on the West Bank of the Jordan River in the early 1960s. Her father was a doctor who gave all of his three children a Western education, but also instilled in them feelings of Arab pride. She had the benefits of a comfortable, middle-class upbringing that brought her in touch both with the fantastic wealth of the Arab Gulf and with the grim realities of disenfranchised Palestinians living in the Israeli-occupied West Bank.

Politics affected her life throughout, but rarely more so than when her family was forced to leave Kuwait after the PLO-backed Saddam Hussein in the gulf war. She moved to Amman in 1991, took a job with Apple Computer and was introduced to the then Prince Abdullah at a dinner in 1993. Both say it was love at first sight; they were married in June that year. The couple have since had two children, and Rania is now five months pregnant with their third. (The king seems to support Rania in all that she does, often inviting her input during his own press interviews.) To relax, the queen likes to drive her four-wheel-drive Mercedes around Amman: "I pop in a CD and zone out," she says.

But the rest of the time she's focused on the issues that concern her most. In a low-key but determined way, Rania is chipping away at certain Jordanian taboos. She has added her voice, for instance, to a campaign against honor killings, murders committed by men of sisters and daughters for "dishonoring" their families, often by losing their virginity. The Jordanian Parliament has twice rejected a law that would treat such crimes as seriously as other homicides. But earlier this year, Rania gave her blessing to a protest march on the Parliament building over the issue.

Among Rania's critics are some who support her position but not her looky-looky politics. They argue that the royal couple should remain above the fray, quietly working for change behind the scenes. Rania disagrees. The approach should be to talk about it, bring it to the surface, she insists, not sweep things under the rug.

Still, Rania's custodians developing a consensus these days is how to push reform without offending traditionalists.

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times that entails adjusting her pitch to her audience. When the queen talks to Westerners about schemes to give small loans to poor women, she calls it empowerment. But in male-dominated villages in Jordan, where tribal codes are strong, she avoids the language of gender wars. She talks instead about the ability of women to help put bread

on the table. Similarly, when she talks about stopping domestic violence, she couches it in a discussion about "family security."

But even as she presses the envelope of what is acceptable, Rania also criticizes Western stereotypes. Many Arab mothers and workers, she says, can provide a model for women the world over trying to strike a

balance between professional and family life. "People in the West view Arab women as being very conservative ... not necessarily being educated," she says. "And the truth of the matter is that we have many brilliant women who are very forward-looking." Few more so, perhaps, than Rania herself.

With JEFFREY BACHOUR

INTERVIEW

The Mideast's Middleman

A conversation with King Abdullah. BY LALLY WEYMOUTH

PRESIDENT CLINTON said last week in Lisbon after meeting with Israeli Prime Minister Ehud Barak that a peace agreement between the Palestinians and Israelis is "within view." That could spell trouble for King Abdullah of Jordan, who was visiting the United States last week. If Barak, as rumored, gives control of the Jordan Valley to Yasir Arafat, the future Palestinian state and Jordan will share a border. That is potentially destabilizing, because two thirds of Jordanians are Palestinian. Last week Newsweek's Lally Weymouth talked with Abdullah. Excerpts.

WEYMOUTH: Barak is reportedly thinking about giving the Jordan Valley and the Jordan River crossings to the Palestinians as part of a peace deal.

ABDULLAH: I'm very pleasantly surprised about this. I think it just goes to show the confidence that exists between Barak and Arafat, and I commend both of them for being able to move that far.

How do you feel about having a Palestinian state next door to your country?

I don't think that's a problem. If we talk about the future, we're looking at integrating Palestinians, Jordanians and Israelis—and hopefully Lebanese and Syrians. We want a new economic zone.

Jordan is currently the guardian of the Muslim holy sites in East Jerusalem. If there is a peace agreement between the Palestinians and Israelis, would Jordan want to keep that "special status" or give it to the new Palestinian state?

Our view is that [in the future] the holy sites, which are the responsibility of Jordan, should be [in] a free city, open to the three religions—Jews, Christians and Muslims.

But would you like to see them remain the property of the Hashemite Kingdom?

No, when you talk about [Jerusalem's] being an open city, you change the equation. In other words, the holy sites need to be run by the three religions.

How has Barak impressed you?

A terrific man. I'm very impressed by him. I have a close personal friendship with him. He's very direct, honest, straightforward and courageous.

I've heard you had been a constructive middleman between Israel, Syria and the U.S.

Yes, what we do is try to get messages correctly and honestly to whatever party and then back out.

Why did talks in Geneva last March between President Clinton and Syrian President Assad break down?

I think there was a miscommunication between the Americans and the Syrians, a misunderstanding of each other's position.



'PLEASANTLY SURPRISED': Abdullah

U.S. officials believed that an Israeli-Syrian peace was almost complete.

So did the Syrians. Both sides, I think, misinterpreted the other's position to the point where each side thought everything was OK. And each side, I think, is extremely upset that Geneva didn't work out. My impression from Syrians is that the door from their side is still very open.

Was the misunderstanding over control of the water of Lake Tiberias/the Sea of Galilee?

I think water is less of an issue than people make it out to be. The impression I got in Syria is that there is a lot of flexibility when you come to a final solution on borders.

How sick is Assad?

He was in perfect health [when I saw him last week]. I didn't see any differences since I saw him a year ago.

Assad is convening the Central Committee of the Baath Party in mid-June, reportedly to start the handover of power to his son Bashar.

Yes, that is the impression we all have.

Do you expect a smooth or bloody transition?

A smooth transition. [Bashar is] a bright man and I have a lot of respect for him. He's been educated in the West and is very open-minded.

How do you assess Israel's withdrawal from Lebanon?

I think it was a tremendous move that showed the seriousness of Israel's attitude toward the future [prospects for peace] in the Middle East.

Now that the Israelis are gone, why should the Syrians have 15,000 troops in Lebanon?

I personally believe that it's none of my business what other countries do. There is a tremendous window of opportunity on the Syrian-Israeli issue. The parties involved all enjoy great confidence in Clinton. Clinton should use his good credit to push the Palestinian and the Syrian tracks along.



PEOPLE IN

SOUTHERN

CALIFORNIA

are always looking

FOR RADICAL

NEW WAYS

TO GET AROUND

If it's new and it's got wheels, chances are it came from Southern California. People here aren't just content to walk, they'd rather pedal, skate or scoot.

Maybe it's great weather that inspires Southern Californians to design so many ways

Two Prius hybrid sedans



Toyota's design center

to get out and about. Or maybe it's the wide-open spaces. Whatever it is, innovation is no stranger to the roads and pathways of this beautiful corner of the world.

It's probably no coincidence, then, that the design for the world's first mass-produced hybrid vehicle was developed in Southern California. In Newport Beach, to be precise, at Toyota's futuristic North American design center, known as Calty.

Here, a team of designers created the look that is turning heads in the U.S. and overseas for Toyota's breakthrough alternative-fuel vehicle, the Prius.

Calty is part of Toyota's global network of operations. It's a network that includes facilities in 26 countries and provides jobs and growth in communities around the world.

Here in the U.S., Toyota has 10 facilities, more than 27,000 employees. In fact, more than half the Toyota vehicles Americans buy are American-made. So, if you're

looking for a way to get around, there are ways that you'd need to drive. The world of the Prius, for example, is a whole new way to look at the world. That's the Toyota way.

TOYOTA People Drive Us

The Art of Darkness

As more and more grown-ups turn to videogames for fun, kid-friendly Nintendo abandons its squeaky-clean image with a new title aimed at the adult male

BY N'GAI CROAL

HERE'S MORE PROOF THAT VIDEOGAMES aren't just for kids anymore. In a new TV ad, a young woman gets out of bed, clutching silk sheets to her clearly nude body. She walks through her high-tech apartment to take a shower behind a smoked glass door, letting out a hushed erotic sigh as the water cascades over her. Afterward, she carefully applies her lipstick, then eases her model-thin frame into black panties and a matching sports bra. You might think you're watching a lingerie commercial ... until a secret compartment in the back of her walk-in closet opens up to reveal guns. Lots of guns. And as she proceeds to accessorize her latex-'n'-leather ensemble

Disney name instead of its edgier Miramax banner. The game comes out at a time when members of Congress and state attorneys general are persuading retailers like Sears and Montgomery Ward to stop selling Mature titles. And given that the original game, based on the James Bond flick "Goldeneye," sold \$4.5 billion worth of copies with a T for Teen rating, why would Nintendo risk its pristine image to release an M-rated sequel in *Perfect Dark*?

One reason is the changing demographics

of videogame players: they're getting older.

According to the Interactive Digital Software Association, 58 percent of the people

who play console videogames are over 18

(bonus shocking stat: 21 percent are 35 or older). A lot of that is due to the runaway

success of Sony's PlayStation, which is credited with attracting older gamers with fran-

And as far as videogames go, *Perfect Dark* is in a league of its own. Created by a Nintendo-exclusive game-design outfit called Rare, it's a first-person shooter in the mold of *Doom* and *Quake* with an espionage-inspired storyline that rewards brains over bullets. Yet as much fun as the single-player version may be, the multiplayer version truly shines. Instead of difficulty settings like Easy, Medium and Hard, the computer-controlled opponents (called simulants) have personalities: the



RevengeSim hunts down the last person who killed him; the PeaceSim tries to collect the weapons so that other players can't get them; the FeudSim stalks a single player for the duration of the match. The countless little details—when an opponent hits you, the screen blurs for

several seconds to indicate your wooziness—showcases an appetite for perfection that's almost unmatched in the game industry.

In fact, *Perfect Dark* is such an adrenaline-laced thrill ride, it's a bit of a jolt to meet the shy wizards behind Rare's curtain. Founded in Britain in 1983 by brothers Chris and Tim Stamper, the company developed such a reputation for top-notch titles that Nintendo acquired a quarter of the company, making it an exclusive developer and the first non-Japanese game company that Nintendo invested in. The relationship between the two became so close that Rare was entrusted with some of Nintendo's most fabled franchises.

Bonnell, the outspoken CEO of the French game publisher Infogrames. "Nintendo is the light balancing the darkness of teenage games." Illinois Attorney General Jim Ryan who persuaded Sears and Montgomery Ward to stop selling M-rated games after his office found that 13- to 15-year-olds could buy them despite the rating, says he wishes that Nintendo wasn't joining the crowd. "These games push the wrong buttons," he says. "They reward children for violence." But Nintendo, which has been remarkably forthright about its entry into the mature space, has also taken great pains to advertise the game only to the appropriate age group. The movie trailer runs before R-rated films, the TV spots air after 10 p.m. and the print ads are running in magazines like *GQ* and *Maxim*. Even the *Perfect Dark* Web site (perfectdark.com) has a prominent link aimed at parents, explaining that the game contains "realistic first person shooting action that may be too intense for younger game players."

Attorneys general and congressmen aside, Nintendo plans to keep going after older gamers. It has added Silicon Knights, a Canadian outfit, to its stable of exclusive game developers. And Rare intends to pursue the "South Park" generation later this year with *Conker's Bad Fur Day*, a raunchy wittily profane title that spoofs everything from "Saving Private Ryan" to "Godzilla." In one scene, a door tells our heroic squirrel to "F--- off!" (It's bleeped.

Rare Grows Up

A look at the three past year's most popular titles—that set this game company apart.

DONKEY KONG: When we started working on him, he wasn't a crown jewel," says founder Chris Stamper. "He'd been dropped for many years."

The teamwork he did on *Donkey Kong 64* (Oct. '99) restored the game company's

(Aug. '99) and its sequel *Perfect Dark* (below) are the exceptions that prove the rule.

BANJO KAZOOIE: This breezily entertaining role (above) launched the adventures of a bear named Banjo and a red-crested boogaloo trying to defeat it with (June '98)

CONKER'S BAD FUR DAY: EX-PROFLIN' HIT STORES THIS

Normal, this game puts a new spin on holiday cheer. The blood flows literally and the supporting characters cuss like sailors, yet it's done with a sweetly outrageous comic tone that's more Kevin Smith than Quentin Tarantino. Wanna see for your

self? Check out Rare's hilarious preview site at rare.com/reviews/gamebybird.

SAVORING PERFECTION: Mark Edmonds, the lead designer for *Perfect Dark*, and founder Chris Stamper take a break from last month's Electronic Entertainment Expo in Los Angeles.

with enough firepower to wipe out Sierra Leone, it's clear that the videogame industry may have created a brand-new superstar in special agent Joanna Dark.

In the age of perky pixilated Playmates like *Tomb Raider*'s Lara Croft, a game such as *Perfect Dark* shouldn't come as a surprise. What is surprising is that this comes from Nintendo, whose family-friendly reputation has made the company the Disney of videogames. *Perfect Dark* is rated M for Mature—the electronic entertainment industry's equivalent of an R rating—so it's as if Disney released "Pulp Fiction" under the

MEET JOANNA

Rare describes her as "beautiful, intelligent and lethal." She may not have Lara Croft's figure, but with 250,000 copies sold in its first week, who's complaining?

es, like *Donkey Kong*, while coming up with its own successful properties such as *Banjo-Kazooie* and *Killer Instinct*. And even when the games aren't finished on time (*Goldeneye* came out a year after the movie, Nintendo gives them the time and money to get it right). "It's about associating with a partner who understands that it's all about quality," Chris Stamper says. "We're a games company, and that's what we love to do."

Some in the industry, however, feel that Nintendo and Rare are making a mistake with their more adult-themed games. "It was a mistake, and I told them that," says Bruno

but you can tell what's being said, which prompted an exasperated Bonnell to say, "What is [that word] doing in a Nintendo game?" In another scene, the furball has gotten drunk on a keg of beer, then uses his canine teeth to gnash the flaming flatulence of his foes. "When people grow up on games, they don't stop playing," says Stamper. "There aren't games for people who grew up in the early systems. Old souls may recoil, but for the people who loved them, there's something about *Mario* and *American Pie*. Nintendo's dark humor might just come at the perfect time."

—N'GAI CROAL

A David (Boies) vs. Goliaths

Microsoft is just one of his high-profile cases

BY ADAM BRYANT

THE FINAL RULING IN THE Microsoft antitrust case was unexpectedly postponed last week, but David Boies, the lawyer who skillfully argued the government's side, managed to keep himself busy. A federal judge picked his firm to lead the class-action lawsuits against auction houses Sotheby's and Christie's. Calvin Klein signed up Boies to handle his suit against Warnaco (which manufactures CK's underwear and jeans) over their licensing pact. Boies was also named one of the two lead lawyers to spearhead actions against the nation's HMOs brought by dozens of top law firms. "This has certainly been one of the busier and better weeks," Boies told *NEWSWEEK* on Friday.

The pace isn't likely to slow down. After all, he's emerged as a go-to litigator whenever some high-profile business brawl calls for some lawyerly help. In the three years since he left prestigious Cravath, Swaine & Moore in New York to start his own firm, his name has shown up in more places than



Casemaker: The antitrust trial made him famous. But Boies has long been the go-to lawyer.

the "Love Bug" computer virus. Boies not only does Windows, bluejeans and pricey art, but he and his partners have played a range of legal roles in everything from the big vitamin price-fixing case of last year to the merger of AOL-Time Warner to helping tech companies go public. Although Boies has been trying big cases for years, the Microsoft case has helped make him a \$700-an-hour brand name in legal circles.

"David Boies is on the cusp of becoming one of those lawyers who has achieved legendary status, like Webster or Darrow," says Stephen Gillers, a law professor at New York University.

That's not an easy club to get into. Boies has been at the center of some of the biggest cases in the country in recent decades, and has almost always emerged victorious (one loss was the failed attempt

by Continental Airlines to sue American over predatory pricing in 1993). And he's provided some of the more memorable theater to emerge from a courtroom. It was Boies who conducted the withering, 20-hour deposition of Bill Gates, making the Microsoft chairman appear out of the loop on key corporate matters and argumentative about the meaning of words like "concern," "compete" and "definition."

Boies cut an unusual path to the top of his profession. He left Cravath, an unheard-of career move. He doesn't dress like any white-shoe attorney, either; he wears black sneakers in court and navy blue suits from Lands' End. He buys cheap knit ties by the bushel, and wears a simple watch on the outside of his sleeve (to easily glance at it during trial). He set up headquarters in sleepy Armonk, N.Y., far from the corridors of power. There's no bluster from Boies in the courtroom; he patiently draws out responses during cross-examination that he uses hours or days later to paint the witness into a corner. He works without notes, casually following the natural course of interrogations as if rafting down some lazy river.

"His management of the Microsoft case in the courtroom was nothing short of superb," says William Kovacic, a George Washington University law professor.

Even judges get caught up in the lawyer's charm. After Boies picked apart a videotaped presentation by a Microsoft witness, Judge Thomas Penfield Jackson was overheard saying during a bench conference with attorneys from both sides, "Mr. Boies has done a very professional job of discrediting those tapes." The judge handling the Sotheby's and Christie's matter chose Boies from among 20 firms to lead the case, in part based on each firm's proposed fee structure. But the judge may have also favored Boies simply because he wanted to see him in action in his courtroom.

When Boies started his firm with Jonathan Schiller in 1997, he said he wanted it to remain "small enough to be flexible and avoid the conflicts that happen whenever you're part of a large institution." He figured that meant staying at about 40 or 50 lawyers. The firm, now Boies, Schiller & Flexner, has 60 lawyers today, and Boies now wants to build to a critical mass of at least 80 attorneys. At this rate, Boies' firm may be as dominant in the field of business law as Microsoft is in opera-

A Portal for Pinstripes

Los Angeles's eCompanies spent \$7 million for a URL. Now we'll see if Business.com can deliver.

BY BRAD STONE

IT SEEMS YOU NEED TO BE A MANLY athlete to work at eCompanies, the Santa Monica, Calif.-based Internet "incubator"—a start-up that specializes in the assembly-line-style production of other start-ups. Co-founder Jake Winebaum, for instance, is currently training for a 600-kilometer bike race across the Alps, while his partner, EarthLink cofounder Skip Dayton, goes surfing every morning before work. There's no bluster from Boies in the courtroom; he patiently draws out responses during cross-examination that he uses hours or days later to paint the witness into a corner. He works without notes, casually following the natural course of interrogations as if rafting down some lazy river.

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The new site takes a page from the five-year-old playbook of Yahoo: build a simple, clean directory of Web sites, then add features and serve advertisements around it. In the case of Business.com, the sites are limited to topics of interest to business folks: 25,000 categories across hundreds of industries, from chemicals to computers. There's also news, industry profiles and analyst reports. Unlike on Yahoo, you won't find movie trailers, says Editor in Chief Peter Guinzel, who oversees a staff of 50 librarians and researchers. But you will find a list of equipment makers that will help you get a film-production company up and running anywhere in the country. The site will also be tightly integrated with two other eCompanies start-ups, Change.com, where users can purchase the products they find on Business.com, and USBA.com, a forum for small business to pursue mergers and acquisitions.

It's not, however, going to be entirely smooth surfing for the start-up. Business.com will face stiff competition from similar sites like Office.com, Dow Jones.com and Hoovers.com, which have all locked up deals with the major consumer portals and are already in a race to deliver their services over mobile devices. Then there's Wall Street darling VerticalNet, which has created 56 individual online industry marketplaces like mining.com and bakeryonline.com. Most of these incumbents see Business.com as a latecomer that has little new to offer.

Jake Winebaum insists it's early to the game: only 5 percent of the business segment of the Net has been built. The so-called business Internet, he says, represents the biggest media opportunity of the millennium, one that will dwarf what has occurred with the consumer Internet. Winebaum wants Business.com to be the hub of that nascent network. If it's a tall task, he'll climb the office jocks at eCompanies, thinking they're in the shape to do it.

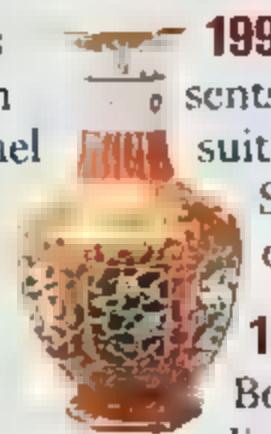
Highlights in a Powerful Legal Career

THE MICROSOFT TRIAL PROVIDED DAVID BOIES A GRAND STAGE FOR A COMMANDING PERFORMANCE. But Boies has been building his reputation for years with big-ticket cases in fields ranging from professional baseball and vitamins to art and high finance. Here's a sampling of his work.

IBM Boies helps the computer maker beat back a massive, 13-year antitrust case brought by the federal government

CBS Successfully defends CBS after Gen. William Westmoreland files a \$120 million libel suit against the network

1992 Milken Boies helps the FDIC win a \$1 billion settlement against Michael Milken and Drexel Burnham Lambert



1997 Yankees He represents the team in an antitrust suit against the league. Steinbrenner wins an out-of-court settlement.

1998 Garry Shandling Boies handles the comedian's lawsuit against his former manager, winning a multimillion-dollar settlement



1999 Vitamins Boies's firm brings a landmark price-fixing case against vitamin makers and wins a \$1.17 billion settlement

2000 Auction houses

A federal judge chooses Boies's firm to head more than 50 lawsuits against Sotheby's and Christie's

2000 Calvin Klein

Boies is representing the fashion house in its suit against Warnaco over their licensing deal. Warnaco makes jeans and underwear for Calvin Klein.



New venture: Winebaum



Getting bigger, faster: So many television shows, snacks and couches—so little time

HEALTH

Young and Overweight

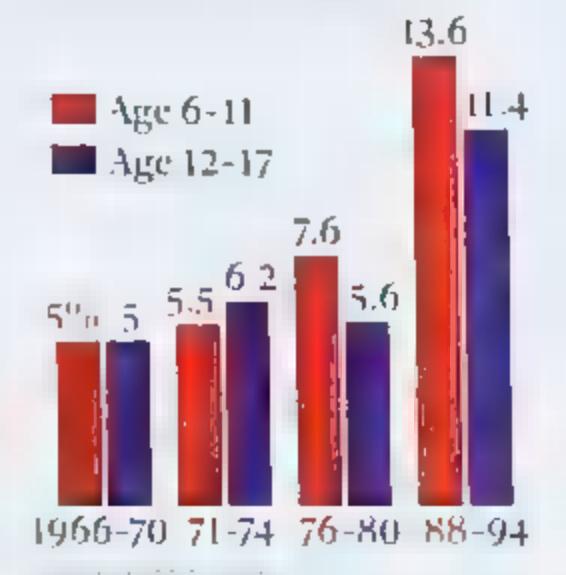
A new way to gauge if kids are on the way to obesity

BY PAT WINGERT

CALL THEM THE SUPERSIZE GENERATION. Kids (6 to 11) are three times as likely to be overweight today as they were 30 years ago. And the news on adolescents (12 to 17) isn't much better—the proportion of fat teens has nearly doubled since the early '70s. The reasons are obvious—more couch-potato time spent in front of computer or television screens; less recess and fewer PE classes; an increase in latchkey kids told to stay in after school for safety reasons, and easy access to mountains of cheap candy, junk and fast food. "When I was a kid, I'd get a Coca-Cola and it would be a little eight-ounce bottle," said nutritionist Robert Kuczmarski of the National Center for Health Statistics. "Just look at what kids are drinking today—'supergulps' or whatever—64 ounces. That's a half gallon of soda, with two teaspoons of sugar in every ounce."

Generation Fat

The percentage of kids who are overweight has more than doubled in the last three decades



Help may be on the way. Last week, for the first time, the federal government issued a "body mass index" (BMI) for children ages 2 to 20. The index, which considers a child's age, weight

and height to calculate total body fat, is similar to the one used for years to identify overweight and obese adults. Gender differences are also considered. For example, an 8-year-old boy who is 48 inches tall and weighs 67 pounds would earn a BMI score of 20.4—and be considered overweight. A girl with the same score would not—falling into the lesser category of children "at risk" of being too heavy. Kuczmarski and other scientists who assembled the index say they hope plotting such numbers on the new BMI chart will become a standard part of children's annual physicals, and make it much easier for pediatricians and parents to monitor weight gain and determine when pudginess is becoming a problem.

The solution for many may be as simple as increasing exercise while reducing fat and sugar. For others, excessive weight may be the first warning sign of health problems, such as diabetes or high blood pressure. The long-term hope is to prevent more chubby children from becoming obese adults, who are at increased risk for a variety of health problems, including stroke and heart disease. Currently, more than half of American adults are overweight or obese. Studies indicate that children who are overweight at 8 years old are likely to become overweight adults.

The government also laid out plans to study the effectiveness and safety of two popular—but diametrically opposed—diets: the high-protein, low-carb variety and the low-fat, low-meat ones. Both announcements came at the first National Nutritional Summit sponsored by Washington in 31 years. Last time the topic was hunger. This time, obesity. That's food for thought.

SCIENCE NOTES

PLANETS

A Rare Shot of Mercury

USING A NEW technique developed at Boston's Museum of Science, researchers have caught a rare, detailed glimpse of Mercury. Most images of the innermost planet are washed out by solar glare. The researchers used a videocamera attached to a telescope to capture thousands of shots, and stitched a composite image together from the best parts of each. Among the results: a very large crater in the northern hemisphere.



DNA

Genome Milestone

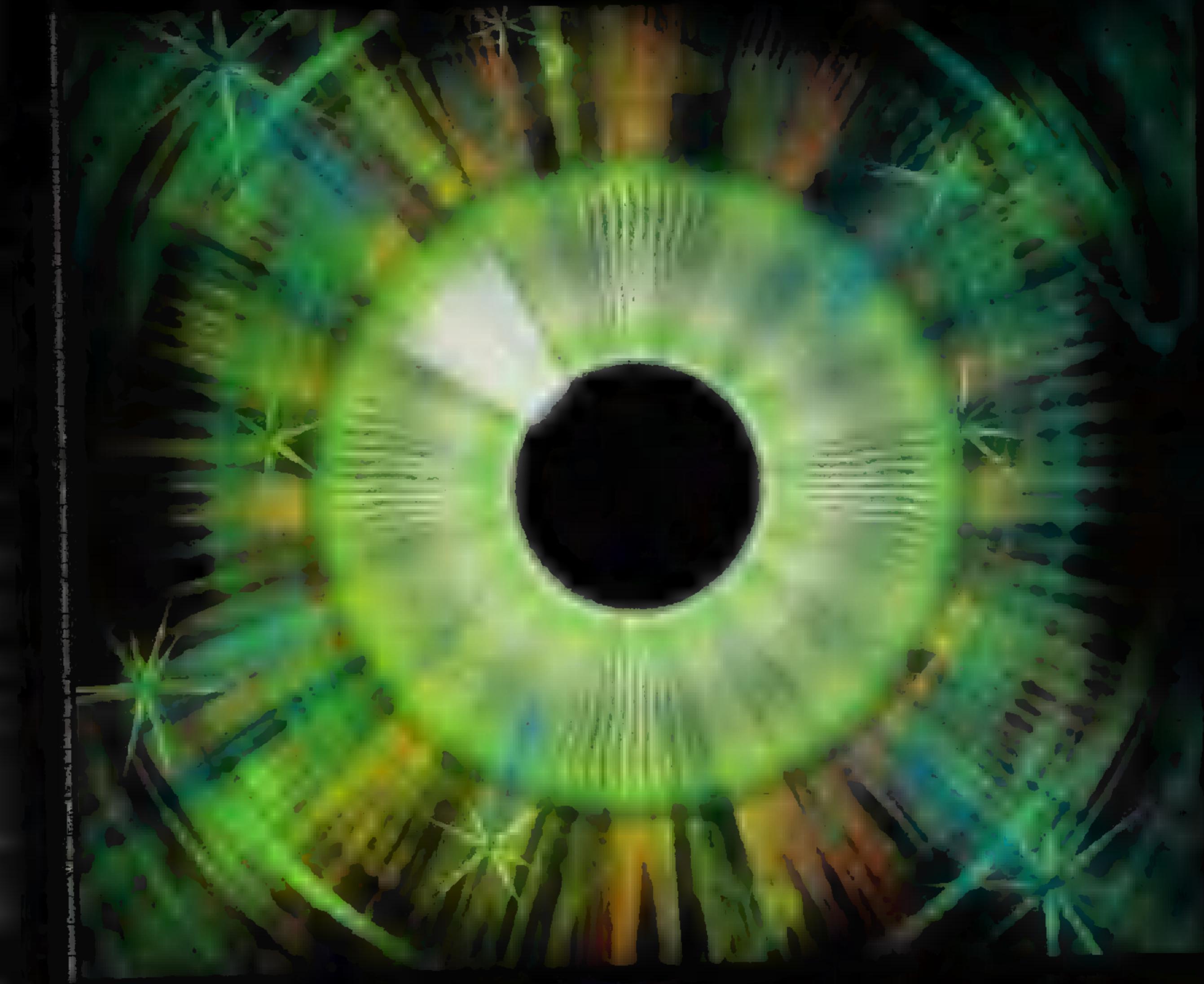
CELERA GENOMICS FIRED A NEW salvo in the race to understand the genetic basis of biology last week. Reading the human genome—our entire set of genetic instructions—is the main event, but decoding the genomes of laboratory animals is almost as important. The biotech firm says it has now read more than one third of the 3 billion genetic letters in the mouse genome, putting it considerably ahead of its academic and government competitors. The data will be available only to Celera's subscribers.



WILDLIFE

Endangered Turtles

OVERZEALOUS COMMERCIAL fishing hurts more than just fish. Seals, seabirds and other animals are killed by gill nets and longlines as well. Now researchers from Drexel University in Philadelphia find this "bycatch" is driving Pacific leatherback sea turtles to extinction. Without changes in fishing practices, says Drexel professor James Spotila, the number of leatherbacks could be "essentially down to zero" within 10 years.



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As Ted's World Turns

Will Ted Turner muck up the AOL Time Warner merger?
BY JOANNIE L. ROBERTS



Middleman: Ted with his wife, Jane (left), and daughter

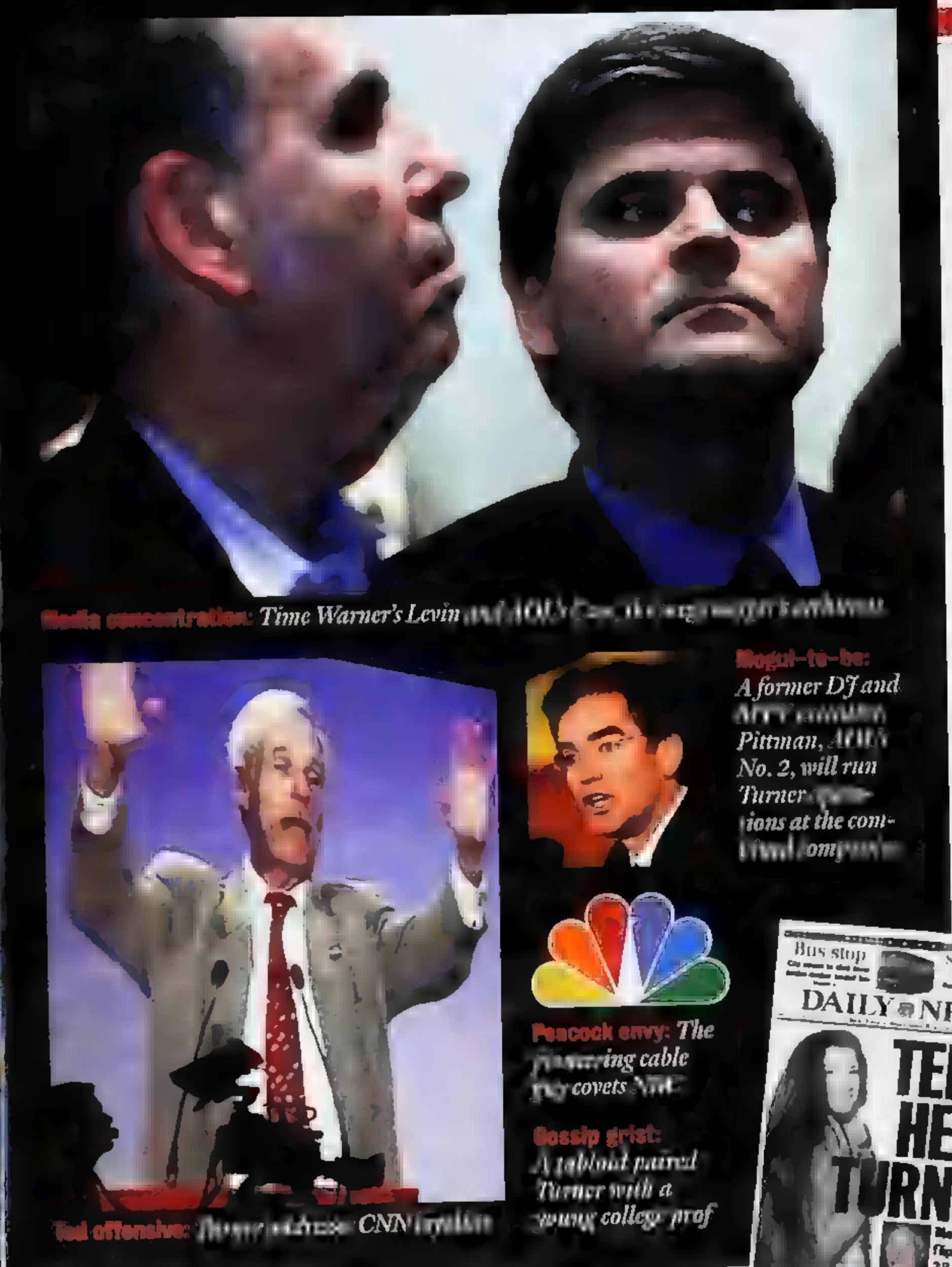
TED TURNER WAS BASKING IN the world's attention. Much of the globe, it seemed, turned out last week to celebrate the 20th anniversary of his genius invention, CNN, the 24-hour cable-news channel. CNN journalists from 130 countries mingled with such CNN household-name stars as Bernard Shaw and Larry King at the cable channel's Atlanta headquarters. Vladimir Putin beamed in via satellite from Moscow for the weeklong affair. Al Gore, George W. Bush and Jordan's King Abdullah dropped by. Former president Jimmy Carter addressed the gathering as Turner sat with UN chief Kofi Annan.

It was a rare peaceful moment for Turner, one of the world's most mercurial billionaires. Always a favorite of gossip con-

noisseurs, Turner, who separated from his wife, Jane Fonda, in January, has made headlines recently with his dating antics. In recent weeks, New York tabloids had Turner paired off with a 28-year-old New York college professor. Although the woman seemed to confirm the dalliance, the tabloids themselves later engaged in crosstown sniping over whether the accounts were exaggerated. In fact, Turner's been stepping out with fiftyish, French-born artist Frédérique D'Arrago. Meanwhile he has resumed his noisy campaign to buy a network and has made no secret of his displeasure with what he deemed to be a diminished role assigned to him at the merged AOL Time Warner. If the deal goes through, Robert Pittman, AOL's No. 2 and a chief operating officer in the combined

company, will end up running the giant's major operations, including the Turner networks—CNN, the Cartoon Network and TBS, among others. As a vice chairman, Turner would have no operating role (Turner sold his Turner Broadcasting System to Time Warner in 1995.)

Time Warner doesn't need another public-relations problem just as it's trying to pull off its massive merger with AOL. First there was the disastrous nearly two-day blackout by Time Warner Cable of the ABC network. Then there was an embarrassing plot to undermine a phone-company rival—a Time Warner cable unit reportedly encouraged its own employees to sign up for and then cancel high-speed Internet connections from the competing firm. The recent rumbles from Turner have added to a sense that



friends like each other, the AOL and Time Warner execs don't need enemies.

Given the timing—with regulatory hearings set for Washington and shareholder votes due this month—making nice to Ted was a high priority for AOL and Time Warner top brass last week. In a speech at the CNN shindig, Turner's future boss, AOL's Steve Case, declared that Turner was his "hero" and that they would "be joined at the hip" in mapping AOL Time Warner's future. Turner, seated with D'Arrago, seemed blissful during Case's address. At toward Turner declared, "I'm happy."

How long his good mood will last is debatable. In an interview with NEWSWEEK, Turner, true to form, was coy about his feelings concerning his role in the planned deal. "I can't claim I had never

been upset about it. Then he admitted that "change is always difficult for older people." And if he were to end up exercising broader powers at AOL Time Warner, Turner hinted, he might try to land a broadcast television network, a longtime goal. "I've got ideas...like getting a network," Turner said.

AOL and Time Warner execs insist that Turner continues to support the transaction. Indeed, Turner has already made a binding agreement to vote his nearly 10 percent Time Warner stake in favor of the deal. Case told NEWSWEEK that he has consulted Turner repeatedly before and since the deal was announced. About six weeks ago, he said, he traveled to Atlanta to discuss Turner's concerns and priorities.

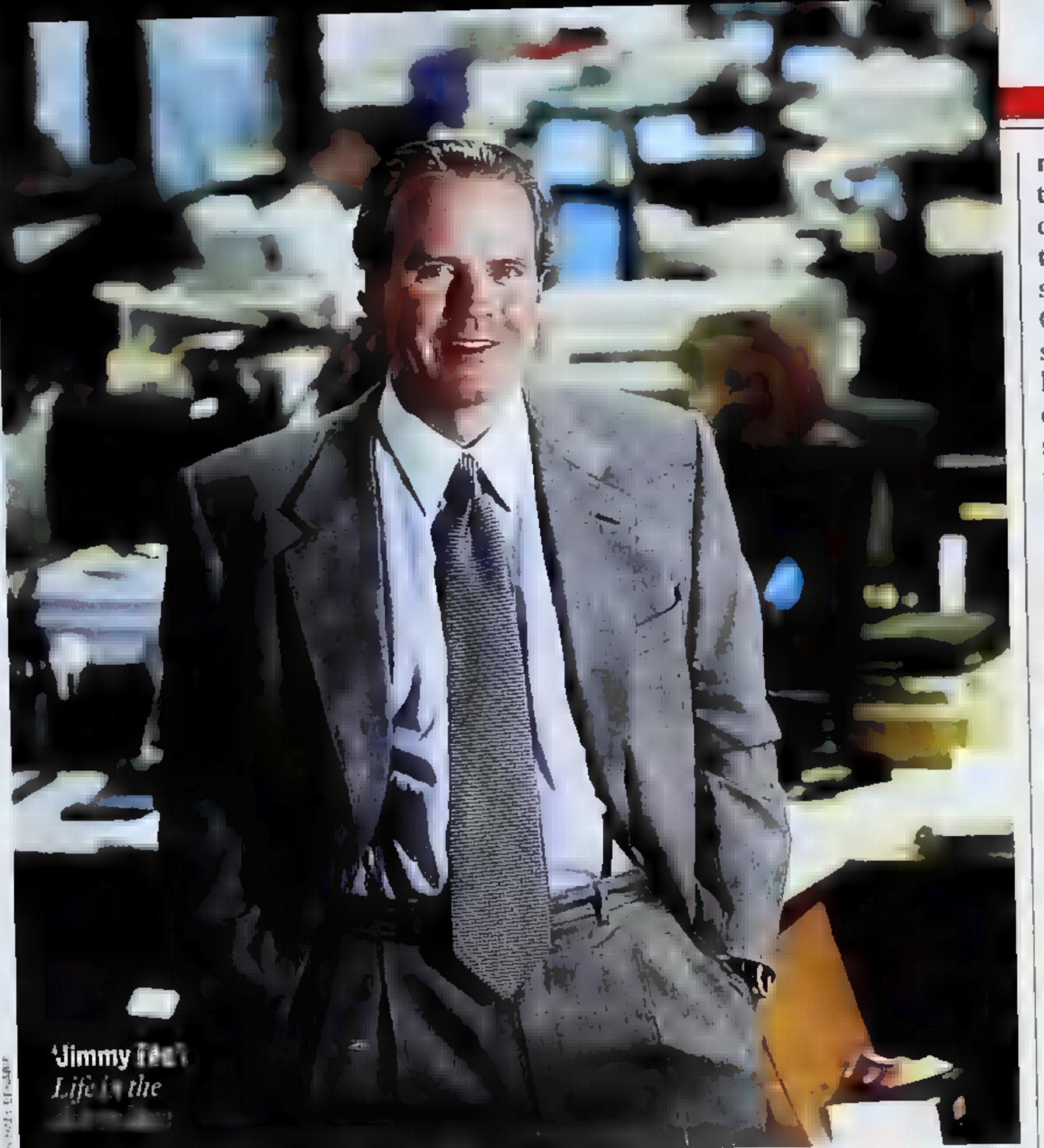
Among other things, they talked about the structure of the new company. Turner, Case said, had embraced the management line-up and the idea of serving as senior adviser, without an operating role. It may simply be a case of "separation anxiety," Case says, as Turner becomes further removed from running his cable networks. "When you build something and it's your baby, there's a little bit of a mental transition" to make, Case says. "It's an adjustment issue."

OK, but what about that TV network? Case says it's not happening. Turner "has talked to me about that and other ideas," Case said. "I'm an eager listener." But the focus now is "merging AOL and Time Warner," he added. "This is not the right time to be thinking of other acquisitions." But while a new network might not be in the picture, a big expansion into cyberspace is. CNN has embarked on a hiring binge to quadruple CNN.com's staff to 800 by the end of the year. CNN intends to use its news-gathering might to launch new online channels.

Case and his AOL crowd hope Turner's angst is the last of the self-inflicted controversies facing AOL Time Warner. One AOL official said the Internet giant was caught off guard by Time Warner's black-out of Disney's ABC in a dispute over distribution of Disney programming. AOL

was aware of bumpy negotiations between Time Warner and Disney and Time Warner informed Case before the black-out. But a top AOL insider confirms that Case was phoned, "but only after the button had been effectively pushed." The AOL exec added, "This was clearly a business and policy mistake." Case said, "there's no question" that AOL Time Warner had been hurt in Washington by the controversy. Still, he said, he expects the deal to go through.

Turner, meanwhile, has other things to occupy him. Ted's new gal pal, D'Arrago, is wealthy with homes in New York, Palm Beach, Rio de Janeiro and Paris, according to an Atlantic Constitution interview with Turner biographer Porter Bibb. After Bibb's biography was published in 1993, he told the paper, D'Arrago sought out the author to help her mount a show. Among her works, portraits of Turner posed as Adm. Horatio Nelson, Robert F. Kennedy, and George Washington. Well, for his work on digitizing cable TV, Turner has certainly earned his place in the gallery of business greats. Yet despite the AOL Time Warner talk, it remains to be seen just when his picture will hang in the ranks of corporate power at the combined AOL Time Warner.



CAREERS

Living With Less Power

When banking honcho Jimmy Lee was asked to give up turf, he had a surprising response: Yes. Here's why.

BY KEITH NAUGHTON

JIMMY LEE WAS AT THE TOP OF HIS game. Running the booming investment-banking business at Chase Manhattan, Lee worked 17-hour days, keeping six cell phones humming, while pulling together billion-dollar deals for clients like AT&T and General Motors. Nicknamed Jimmy Fee, he pocketed \$20 million last year. Forbes magazine put him on the cover, crowning him "The New Power on Wall Street."

But two weeks ago Chase chairman William Harrison shocked Wall Street by announcing that Chase was acquiring the small New York investment firm Beacon Group, and installing its founder, Geoff Boisi, as the new head of investment banking, Jimmy Lee's old job. But when Harrison added that Lee would remain Chase's dealmaking king, the shock turned to skepticism. Ceding power on Wall Street has

never been viewed as a good thing. In that world of big money and even bigger egos, accumulating power is even more important than amassing wealth. When someone talks, as Lee did, of "spending more time with my family," that is usually code for getting sacked.

But Jimmy Lee says he isn't going anywhere. "My bags are not packed," he insists. Sure, he admits that he balked when Harrison first proposed he become part of an unusual power-sharing arrangement with Boisi. But Harrison wasn't asking Lee to leave or even give up his status

as a vice chairman and member of the powerful executive committee. He was responding to persistent complaints from Lee that the 24-7 demands of

"In the power alleys of Wall Street and the East Coast, it's not manly to admit that work/family is an issue"

—JIMMY LEE

managing 4,000 people worldwide left no time for his family and took him from the dealmaking he relished. Seeing an opportunity to bring in the talented Boisi (who starts July 1), Harrison called Lee's bluff. Over three months of negotiations, Harrison convinced Lee he was giving him what he asked for: freedom to concentrate on dealmaking and, most important, Lee says, an opportunity to make it to all those parent-teacher conferences and dance recitals he'd been missing.

In the macho arena where Lee thrived, he knew that talking about family values could brand him at best a wimp and at worst a liar. "In the power alleys of Wall Street and the East Coast, it's not manly to admit that work/family is an issue," Lee shrugs. "In fact, the manly thing is to say, 'I don't have a life and I'm proud of it.'" And true to form, rumors have raced through Chase that Lee is being pushed out. Many on Wall Street are skeptical of the arrangement and believe that Lee will eventually leave. But Lee, with characteristic zeal, now preaches the importance of family and even fired off an emotional memo to Chase employees confessing his past parental neglect. He admitted to missing too many soccer games and school functions involving his oldest child, Lexi, 18, a high-school senior. "I can't go back," he wrote, "but I can avoid repeating the same mistake with my son Jamie (16) and other daughter Izzy (9)."

Jimmy Lee says his life, or complete lack thereof, is what drove this deal. Up at 5 a.m. each day, Lee prides himself in getting to the office first and literally switching on the lights. Usually the last to leave, he arrives at his Darien, Conn., home at 10 p.m. The job of rearing his three children fell to his wife of 20 years, Beth. Even when he coached his son's Little League team, he shoehorned it in by racing an hour back to Manhattan after each game. "I felt proud of it," he says.

All that changed last December. While meeting with Cisco Systems CEO John Chambers in San Francisco, Lee was interrupted with an urgent phone call from his daughter, Lexi. Fearing the worst, he rushed to take the call in Chambers' private office. But Lexi had happy news: she had just been accepted to Williams College, her father's alma mater. Lee was overcome with emotion, but it was not tears of joy. It

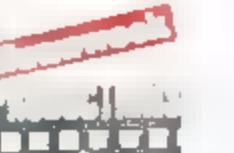
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was anguish that he wasn't there to hug his daughter and had missed another important moment in her life. "I'm sitting in John Chambers' office and looking at all these pictures of him with his family and thinking, 'Where did the years go?'" he recalls. "I had not gone to one parent-teacher conference at her school. I didn't know any of her teachers' names. I just wasn't involved." It was the same with his other children. "My little one, I didn't even know what grade she was going into," Lee admits, his eyes rimming with tears.

That epiphany forced Lee to take stock of his family life. He gave himself an A+ on the job, but a C- at home. He also was haunted by the loss of his own father, a successful businessman who died of a heart attack at 47—the age Lee is now. "Growing up without a father was very hard," he says. "You had no one to pat you on the back, to share with or to ask questions."

Despite his fatherly guilt, Lee still initially resisted Harrison's proposal to cut back. For career advice, Lee turned to Dan Case, head of the Silicon Valley investment bank Hambrecht & Quist, which Chase acquired last year. Case, older brother of AOL chairman Steve Case, shared his mantra of "less is more" with Lee. "I learned a lot from watching Dan," says Lee. "Out there in California, this is pretty accepted stuff. In command-and-control Wall Street, it is not." Case, who last week canceled a meeting with the king of Jordan to attend his son's preschool graduation, says he told Lee: "If you haven't got balance in your life, what's the point of rank and riches?"

Last Thursday evening Lee took his new management style out for a test drive. As he raced to daughter Izzy's school art fair—one of his first visits ever to her school—he was on the cell phone with Dan Case, planning a meeting with Microsoft cofounder Paul Allen. Ever the hard charger, Lee still in-

tends to start his workday before dawn, but now he is hoping to get home in time for dinner. "I don't expect to turn into some laid-back guy," he says. "What I have to do is funnel some of my drive into my personal life." And given his appearance at the Pear Tree School, Jimmy Lee boasts that his latest deal with his 9-year-old daughter is "already providing some yield."

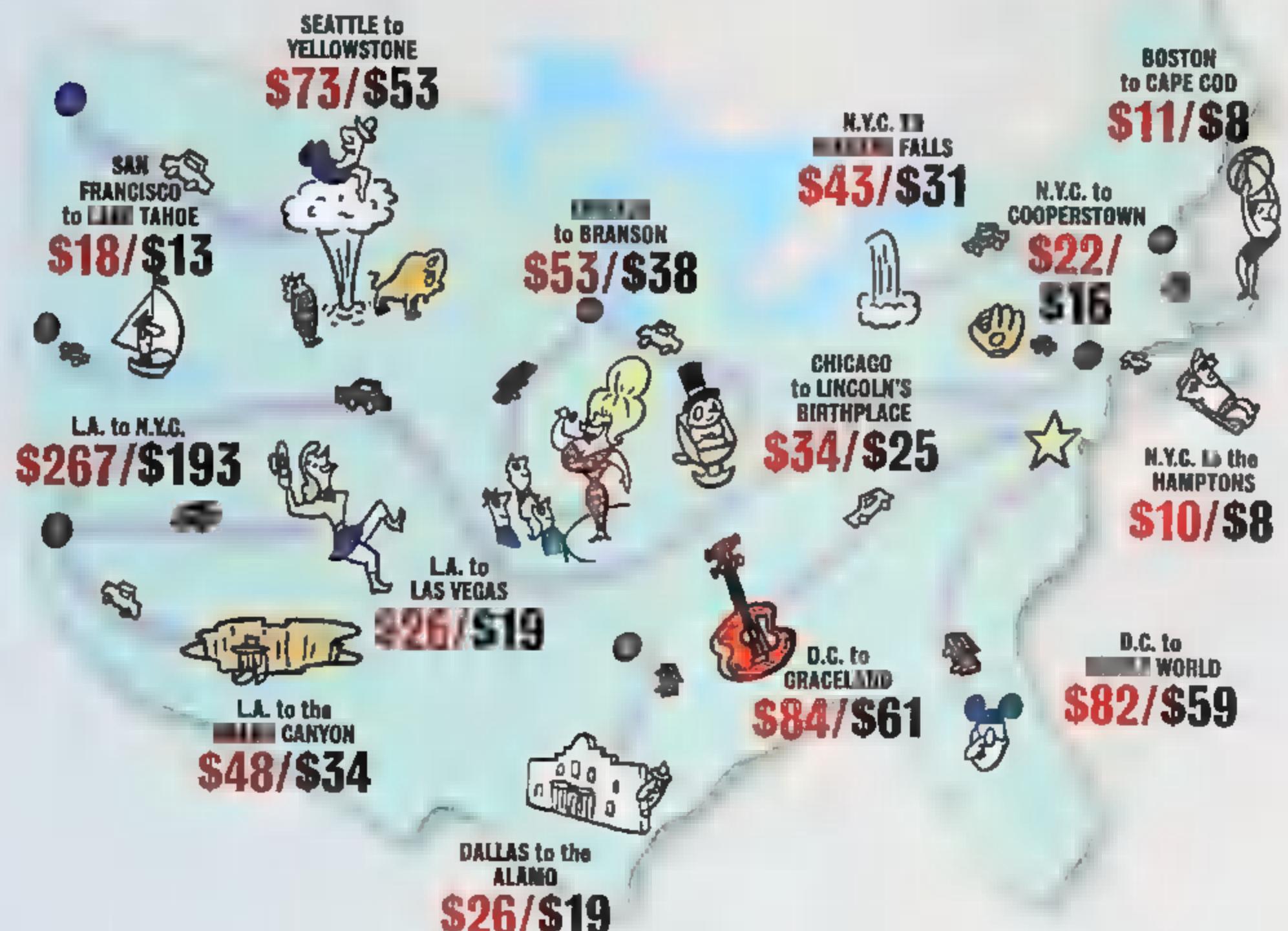
It's much too early to declare Jimmy Lee father of the year. If his experiment in work-family balance works, he could become an inspiration for working fathers everywhere who now struggle, as women have for so long, to find room in their lives for career and family. But the power-sharing arrangement could fail and Lee might not be able to reform his workaholic ways. "This thing looks very good on paper," says Harrison. "But there are no guarantees in life." Indeed, this could be the hardest deal Jimmy Lee has ever had to close. ■

MOTORING

Gas Hike: See the U.S.A.—And Prepare to Pay ...

LADIES AND GENTLE men, start your engines. With school winding down and beaches heating up, it's time to load the car for that great American tradition: the family road trip. But get ready to pay a lot more than you used to. The adjacent map illustrates the rise over the last year in the cost for gasoline to drive between various popular destinations (current costs are in red, last year's in black). It's assumed the trips are being made in full-size SUVs—such as a Ford Expedition—getting 16 highway miles per gallon; costs are based on the current average price of regular gas: \$1.54 a gallon.

Gas prices are up 42 cents a gallon from this time last year, fueled by lingering shortages since OPEC cut production last year. The bad news is that those higher fuel costs aren't likely to thin the crowds at vacation hot spots. Despite the popularity of gas-hungry sport utility vehicles, the average family vehicle sold this year gets 24.7 miles per gallon, which means the higher fuel



costs add just \$17 to the cost of a 1,000-mile road trip. "That's not enough of an increase to abandon plans," says Geoff Sundstrom, spokesman for the American Automobile Associa-

tion. Diehard misers are advised to postpone their trips until Indian summer. The gas squeeze should end by September, according to the Energy Information Administration.

which predicts that prices will drop to an average of \$1.39 per gallon by Labor Day. By then there may even be room to spread out a beach blanket.

ELLEN GOODMAN

JUDGMENT CALLS

DELEGATING DEMOCRACY

Government by litigation has become increasingly popular. It's bad for both politics and the law.

By ROBERT J. SAMUELSON

ONE OF THE BIG STORIES OF THE PAST DECADE IS how the lawyers have taken over government. By this I am not referring to lawyers' winning elections—something that dates to the republic's earliest days. What has happened is that lawyers, acting on their own and deploying various legal devices, are increasingly trying to set government policies by themselves. Litigation substitutes for political debate and legislative struggle. It's not a healthy development.

You can glimpse this phenomenon on many fronts. There's Microsoft. The Justice Department's antitrust suit amounts to "industrial policy," an avowed attempt to intensify competition and innovation in an industry where they're already plentiful, with unpredictable consequences. If you believe the White House, the suit was filed without any review by administration economic officials. Could the policy have passed a broader inspection?

Then there was Ken Starr's unending investigation of Clinton. You do not have to be a Clinton enthusiast (I am not) to think that the process got thoroughly out of hand. It did so because the special-counsel law barely limited Starr's power. The result was an ill-disguised campaign to overturn the 1996 election. Starr argues plausibly that he simply did what the law required. What seems equally plausible is that someone else might have read the law differently.

Finally, recall the tobacco settlement. It effectively imposed a huge cigarette tax on the almost 25 percent of Americans who smoke, with the proceeds going to states and the trial lawyers who sued on the states' behalf. Congress, of course, did not approve this tax or the massive transfer to a small number of—perhaps a few thousand—lawyers. At least count the lawyers had been awarded about \$11 billion in fees. (Although the tobacco industry pays the fees, the costs are mostly passed along in higher cigarette prices.)

What connects these apparently unrelated episodes— all huge news events—is the similarity of the process. In each case some contentious economic, social or political matter was transformed into an ostensibly "legal" issue. This enabled lawyers, following their own beliefs or interests, to drive and shape events. The process continues, most prominently in suits against the gun and health-care industries, and we can expect much more of the same.

Lawyers—like other people—have been known to be ambitious, greedy and power-hungry. Some will always seize opportunities to expand their wealth or influence, unless stopped. But resistance is waning. Indeed, social activists and some political leaders increasingly prefer legal to legislative action. The legal route promises a definite outcome while legislation may go nowhere or involve messy conflicts. Money awards from lawsuits—of partially channeled to government—can substitute for tax increases. In defending huge

tobacco fees for lawyer Peter Angelos, Maryland Gov. Parris Glendening said: "Give me three more Peter Angeloses, and we don't have to worry about the budget."

What insulates the process from critical scrutiny is public respectability. Of course, there are periodic outbursts against overzealous lawyers, silly lawsuits and outrageous fees. But there's a general feeling (especially in the media) that legislative politics has become stalemate and that somehow, the evils of the tobacco industry, the gun-makers, Microsoft, the HMOs—or the latest damnable industry—must be curbed. Lawyers become agents for the "greater good," and their excesses are minimized.

This attitude is shortsighted. We are quietly delegating our democracy in unwise ways. Democracy—politics—is messy because it engages competing interests and attitudes. The conversion of difficult political choices into legal issues (disputes that can be litigated) usually involves a narrowing process that excludes important social considerations. Complex disagreements become simple questions of right and wrong. Compromise gives way to "winner take all" outcomes.



We should be wary. Government policies need to achieve a certain level of fairness, popular acceptance and balance among legitimate, if inconsistent, public desires. The more we remove conflicts from politics, the less likely this is. Take gun control. I do not own guns—and dislike them—but 45 percent of U.S. households have guns, reports a recent Washington Post survey. Any new gun controls should result from legislation, not lawsuits—or settlements—that might ignore views of gun owners. (Not all gun owners oppose tighter controls, however; two-thirds of the respondents in the Post poll supported more regulation.)

This is what happened in the tobacco litigation. I don't smoke and again, would prefer if no one else did—but objective studies do not find that smokers impose extra health and pension costs on society. This was the justification for the suits, and by this standard the settlement—an expedient truce between the lawyers and the industry—was grossly unfair to smokers. The same thing could occur in health care. There are genuine conflicts between society's interest in controlling total medical spending and individuals' desire for complete choice over treatment. But creating a long list of "patients' rights" that can be litigated isn't the best way to handle the conflicts. This would enrich lawyers and, perhaps, aid some patients; the odds are that it would also hobble cost control and raise taxes or insurance premiums for almost everyone.

Government by litigation subverts democracy. Litigation-as-politics subverts the law. Of course, there are checks. Starr's investigation became impeachment, which made Clinton's survival—seemingly, in my view—a political matter for Congress. The appellate courts may side with Microsoft, curbing the Justice Department's appetite for industrial policy. But in general the checks are weaker. "Suing the bastards" has become a popular battle cry that glosses over deeper social conflicts. The vast tobacco fees mean that many well-financed trial lawyers can contend with any major industry. Politicians—often recruiting lawyers—camping on contributions—find it increasingly convenient to avoid jury trials. The drift is plain: It bodes ill for both the law and politics.

Grandma Knows Best

Four million kids are being raised by their grandparents. Now these families are demanding respect.

BY LYNETTE CLEMETSON

HARRIET JACKSON-LYONS LONG ago earned her stripes as a mom. She raised six children alone in the tough Boston neighborhood of Roxbury and put them through college. By now she expected to be enjoying life as an indulgent grandma, making chicken and dumplings, spoiling her grandkids rotten—and then sending them home. If only life played out according to plan. Jackson-Lyons, 74, is once again a full-time mother. She's raising

her 9-year-old grandchild, Charlene, since the death of her daughter three years ago from a massive coronary. The tragedy nearly broke her emotionally. But she's come through it with a steely new sense of purpose. "I don't want anyone's pity," says the straight-talking grandmother, leafing through the pile of children's books and homework papers on her lap. "I'm doing the only thing I could do. What I want now is for society to recognize me."

She's making sure it does. The retired medical clerk founded her own group, Raising Our Children's Children (ROCC). In its second year of incorporation, the neighborhood-based organization has more than 100 members and is lobbying for expanded rights and financial support for grandparent caregivers. It is just one of hundreds of support groups that are springing up nationwide. "These families are finally realizing they are not alone. They are waking up to the fact that there is power in their numbers," says Margaret Hollidge, head of the AARP's Grandparent Information Center. Hollidge has close to 700 groups like ROCC in her database. Hundreds more, she says, are operating without official links.

It's a movement born out of desperation. There are more than 2.5 million grandparent-headed families in America, as a result of

Grand mother: Harriet Jackson-Lyons and 9-year-old Charlene at home



death, drugs, mental illness, incarceration or abandonment. In nearly a third of these families the parents are completely absent. In others, parents are in the picture but are either financially or emotionally unable to raise their children on their own. These "skipped-generation households," as experts call them, have increased by more than 50 percent in the past decade. Contrary to the stereotype of the inner-city welfare mom who's raising her teenage daughter's baby, the majority of grandparent caregivers are white, are between the ages of 50 and 64 and live in non-metropolitan areas.

For many, support groups provide a much-needed shoulder to cry on. In the upper-middle-class Los Angeles suburb of Sherman Oaks, 10 grandmothers and one grandfather are gathered around the beige sectional sofa of author and activist Sylvia de Toledo for their twice-weekly voting session. Erica Tannen, 51, is heartbroken. Her 6-year-old grandson came home from

school with a writing assignment that started off, "I love my Mom best because ..." "The kid was sitting there and didn't know what to write," says Tannen, with a soft Eastern European accent. "The teachers know he lives with me, but he didn't want to make a big deal. He wanted to be like everyone else." Heads nod in silent affirmation.

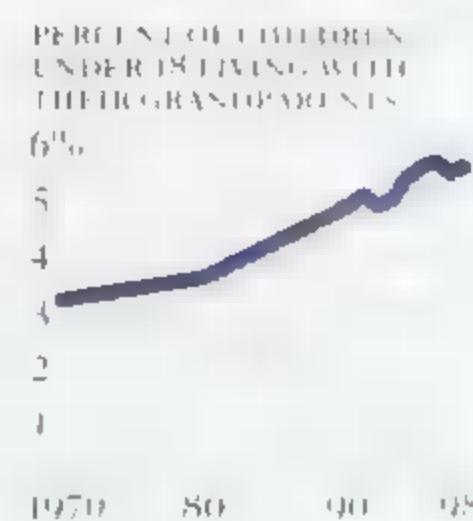
But mutual understanding is just part of what brings groups like de Toledo's together. They also have battles to fight. Soothing wounded souls is a breeze compared with hurdling the bureaucratic obstacles grandparent caregivers face. Often, guardianship is informal. Getting legal custody requires suing your own child, a step too heartbreaking for many families to take. Without custody, grandparents have few rights. Simple tasks like enrolling children in school and getting medical care become nightmares. Housing is another problem. Many senior residents don't allow or have space for

children. And financial assistance, like that given to foster families, is hard to come by. "We can't get help to pay for day care," says Pat Owens, 57. Owens, a customer-service clerk in Frederick, Md., and her electrician husband, Ken, care for their 3½-year-old grandson, Michael. "We're not trying to take advantage of the system. We're trying to save our family."

Government aid comes at a cost. Eighteen states, including Arizona, California and Wisconsin, have what are called Subsidized Guardianship Programs, which provide financial and legal support. But most require children to become wards of the state before assistance kicks in. "There's no way

Who's Bringing Up Baby?

Millions of grandparents are giving homes to their grandchildren



file speeches to give politicians a write-in. And then there's the tough stuff. Grandma has to get Charlene into summer camp.

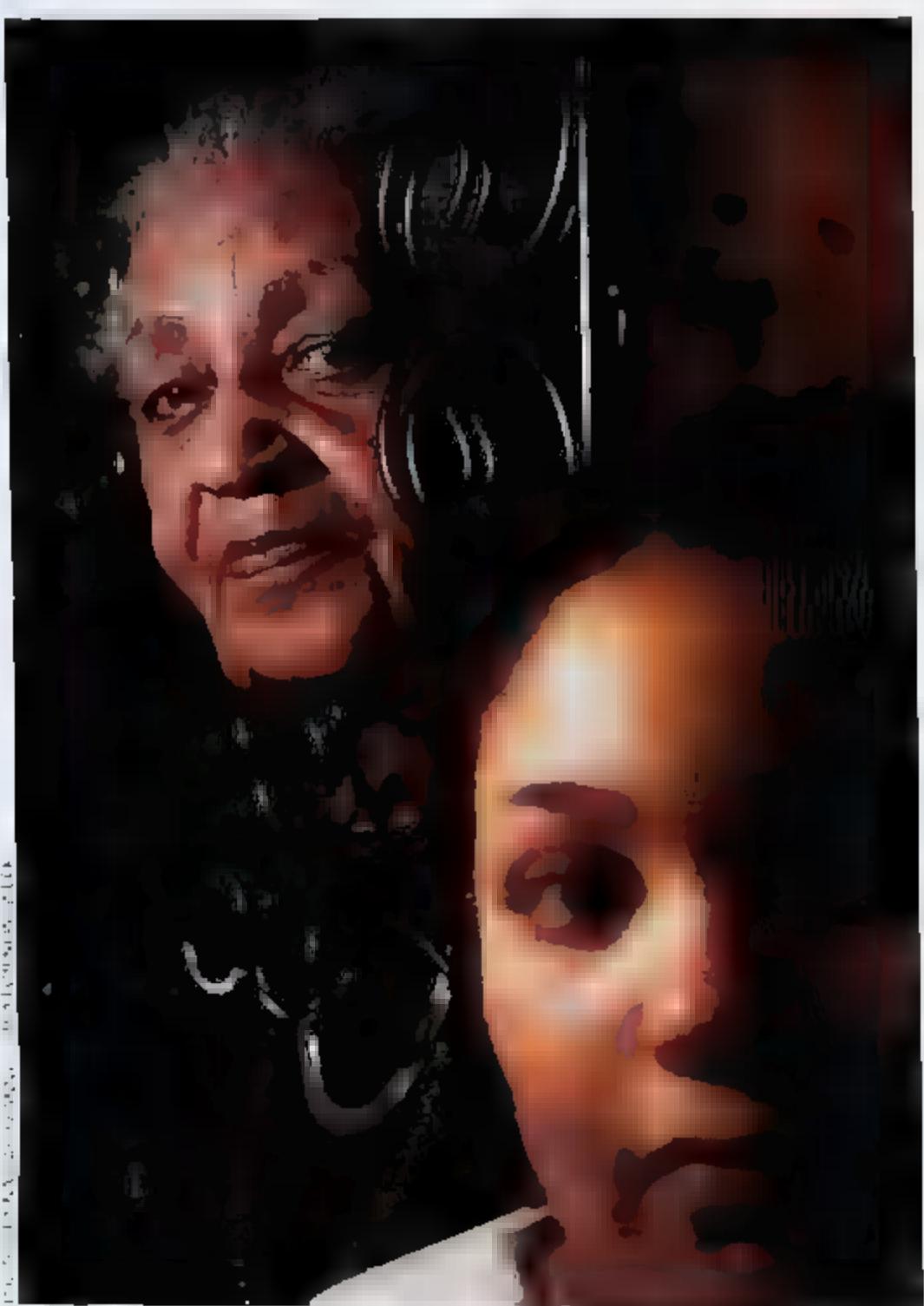
By Lynette Clemetson

Family affair: Pat Owens with her 3½-year-old grandson, Michael

I'm handing my grandchild over to the Department of Social Services," says Owens. "What kind of a solution is that?" Owens has identified more than 1,000 informal grandparent-headed households in Frederick County. This month her coalition will hold its first political-action meeting to call for a state task force on grandparent-led families.

The noisy seniors are scoring some victories. Kentucky and Indiana have enacted de facto custodian laws, giving long-term grandparent caregivers the same status as parents. (Kentucky Gov. Paul Patton helps raise his grandkids.) And Boston Aging Concerns has founded GrandFamilies House, the first senior-housing facility in the country designed exclusively for grandparent-headed households. (Safety rails in the bathroom for Grandma, safety bars on the windows for Junior.) Opened in 1998, it is now home to 26 families. "I don't know where we'd be without this place," says fireman Carl Bowman, 51, who shares a two-bedroom apartment with wife Nettie, and their 9-year-old grandson, Brandon. "We're all in the same boat here. We all help one another." Several cities, including Atlanta, Los Angeles and Cleveland, are considering similar complexes, and advocates are lobbying Washington lawmakers to fund more.

The movement keeps Jackson-Lyons motivated. She cleared out the front room of her apartment and turned it into an office. ROCC wants Massachusetts to pass liberal guardianship laws like those in Kentucky. For Jackson-Lyons there are petitions to file speeches to give politicians a write-in. And then there's the tough stuff. Grandma has to get Charlene into summer camp.





Buy lines: *Lucky* editor France and fashion director Andrea Linetti in the trenches

copies of the test issue hit newsstands last month and, if Condé Nast sells enough, it probably will launch in the fall. That may thrill shoppers, but for some in the magazine business, *Lucky* is the most egregious example yet of a trend in which magazines are becoming glorified catalogs. "I think it's a sad commentary on magazines," says media consultant Martin Walker. "A magazine needs an editorial vision. One could argue that nothingness is an idea—yes, white on a white canvas hung in a museum—but the fact is that in the end there's nothing there."

Actually, what's there is just about everything, from an \$11 Philippe Starck stapler to \$760 Manolo Blahnik silver-studded sandals—not to mention YES and MAYBE stickers to mark the items that catch your eye. For travelers, there's a shoppers' guide to London, and there's even a photo spread about picking the perfect pet. France hopes to appeal to women who are out of school, but don't have the kids and the mortgage to spend their money on. The magazine has a young voice and a Sassy (as in the late, great girl magazine) attitude. It's clever enough to know it's thumbing its nose at the rules, and that wink is part of the appeal.

Whether *Lucky* gets lucky with its readers, shopping titles look to be a wave of the future. Ziff Davis just shipped 400,000 premiere copies of eShopper, aimed at upscale Web-buying women, and in the fall, Hearst

will test Real Deals, for Good Housekeeping readers. One advertising exec foresees a flood of titles catering to every imaginable market—including men and teens, and high-tech enthusiasts. Susan Ungaro, editor in chief of Family Circle and a member of the board of directors of the American Society of Magazine Editors, worries that these "magalogs" will erode reader trust—*Lucky* is all picks, no pans—and she fears that inevitably magazines will try to share in the profits from the sale of goods in their pages. Asked if there were any such arrangements at *Lucky*, an offended Condé Nast president Steven T. Florio says, "I don't even know where that question came from. There will be no blurring of the lines on any Condé Nast magazine. The advertisers advertise and the editors create editorial and one thing has nothing to do with the other."

Except, of course, for the way they flow together so seamlessly in *Lucky*, which could make the magazine a big hit with advertisers. "If your product is in the editorial content, rather than being in the ad-

Are You Feeling Lucky?

Attention, chronic shoppers. There's a new glossy that's redefining magazines—for better or worse.

BY ALISHA DAVIS AND DAVID NOONAN

CONSUMPTION HAS NEVER BEEN more conspicuous. With 11 pages of "SHOES YOU'D KILL FOR" and a center-fold dedicated to "dreampuffs"—as in makeup sponges—Condé Nast's new *Lucky* magazine is a glossy paean to the art of shopping. And nothing else. Banished are the features on health and relationships, gone are the 10 tips to tighter buns—staples of even the flimsiest fashion magazines. In *Lucky*, words and ideas are caption size—only prices and style numbers are relevant. It's 202 pages of irrational exuberance over stuff. Yes, it blurs the line between advertising and editorial, and yes, it promotes what can only be called shoe-nography, but get over it, says Editor in Chief Kim France. "We've got all this stuff, but we're not selling you a bill of goods," she says. "And what makes it fresh is that we're doing it without all the window dressing people are used to."

That lack of window dressing, what you might call substance, is exactly what's making *Lucky* controversial. A half-million



Stuffed: *Lucky* is crammed with shoes and goodies of every description. Critics say it's more like a catalog than a magazine.

ing, there's always a much greater air of credibility," says Debbie Solomon, senior partner and media researcher at J. Walter Thompson. "And if it's in both, then there's a synergy there." *Lucky*'s editorial pages are littered with manufacturers' 800 numbers and Web addresses, which amplifies the buyer-friendly atmosphere and offers potential advertisers plenty of feedback. "It's hard for manufacturers to know if they're selling more of an item just because it was pictured in a traditional fashion spread," says Roberta Garfinkle, director of print media at Universal McCann. "But here, if you get a bump in sales of a particular item, you should be able to tell, and fairly quickly." The most direct reader response is available at *Lucky*'s Web site, which urges visitors to "buy your favorite item straight from *Lucky*," and includes links to the makers of items selected by the editors. While some are concerned that advertisers might abandon less shopping-friendly, article-heavy venues like *The New Yorker* for the shoe-mad world of *Lucky* and the like, Solomon doesn't see it happening: "Some of the advertising you do is to create an image and not to immediately sell the product. Sometimes you just want to be in a certain magazine environment."

The *Lucky* environment not only celebrates the joys of shopping, it even manages to transcend print. The magazine is carefully designed to play off the new habits—and mentality—that readers have developed on the Internet. "These new magazines are just jumping on an easy-access, shopper-materialism bandwagon that the Internet and the economy have fostered," says Ungaro. It's point-and-click shopping—using the stickers, phone numbers and Web sites, readers can simulate the instant gratification of

berspace. You won't find all those www's in *Vogue*.

If *Lucky* is more savvy about selling than existing women's magazines, it's also easy to see it as more demeaning. "It plays to that stereotype that this is what women want to do with their time," says Gloria Jacobs, editor of *Ms.* magazine. To France, the idea that a feminist can love shopping is itself a stereotype. "I think a lot of women's magazines provide a lot of good information, but how patronizing and condescending is the idea that women's magazines have to do it all? I don't need to prove I'm smart by including an excerpt from Martin Amis. It raises my feminist hackles. If I want news, I'll turn on CNN." And if she wants shoes, well, she knows where to look.

Except of course, for the way they flow together so seamlessly in *Lucky*, which could make the magazine a big hit with advertisers. "If your product is in the editorial content, rather than being in the ad-



Battle of the vine: Hamilton and activist Don Frank, in a vineyard that was once a forest

ENVIRONMENT

The Grapes of Wrath

A battle over the land in California's wine country

BY PATRICIA KING

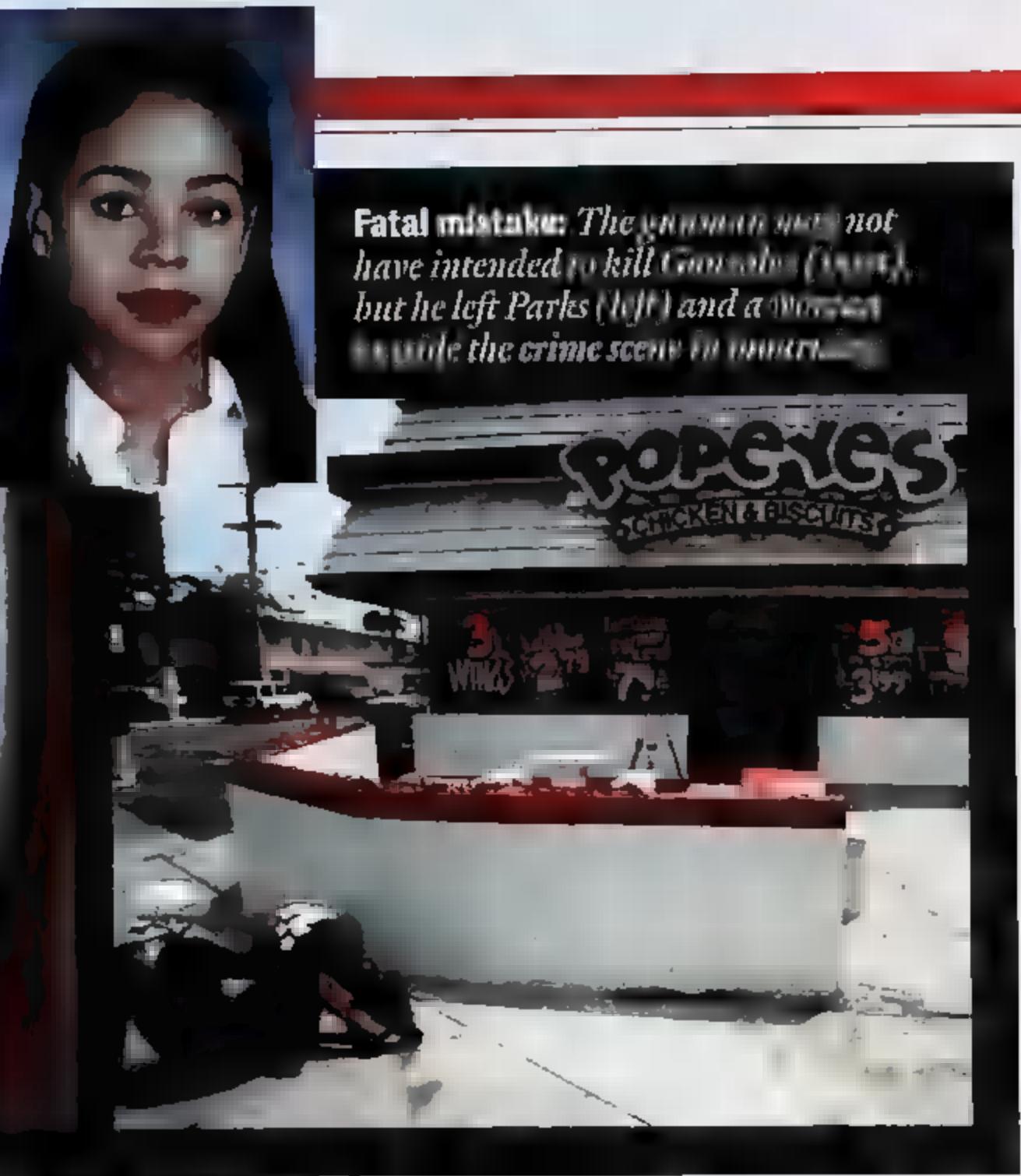
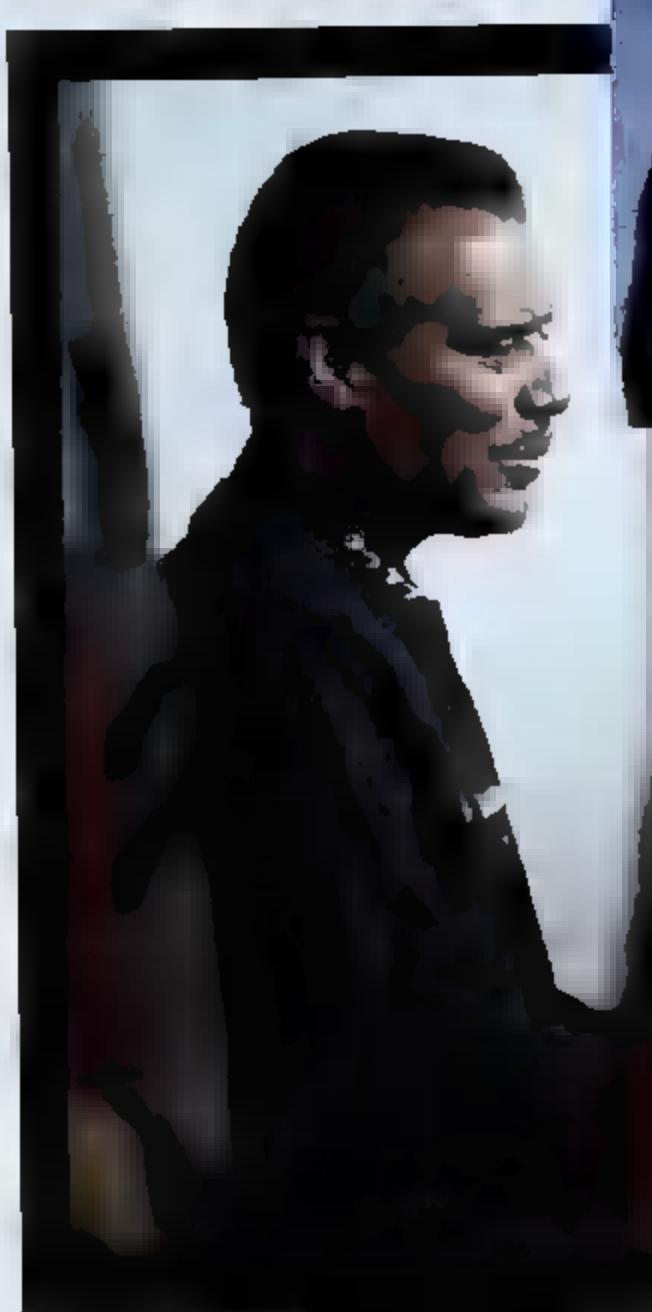
LYNN HAMILTON DIDN'T WANT ANY presents when she got married last summer. Instead Hamilton, 52, asked for donations to launch a jihad against the Sonoma County wine industry's "slash and burn" agricultural practices. Hamilton, who grew up in northern California's "Redwood Empire," has mobilized a protest group that includes singer Tom Waits, the Grateful Dead's Mickey Hart, aging hippies and activist attorneys. They've raised \$20,000 to battle the vineyards. "This is the Redwood Empire. This is not wine country," says Hamilton. "There has been a horrible mistake."

The wine country hasn't seen this much drama since "Falcon Crest." And as always in environmental squabbles, there are two very passionate sides in this battle. The antivineyard forces note that winery acreage in Sonoma has increased 60 percent in the last decade, fueled largely by the soaring price for wine grapes. The highest-quality Pinot Noir grapes now command \$5,000 per ton. The locals are equally disturbed by the way wineries have transformed the landscape. "The trees have to be hacked at, sliced and diced, chewed up, and their great roots burned," said a recent column in the Santa Rosa Press Democrat. "It looks like Tara after the Civil War troops sacked the place."

But the Sonoma County Grape Growers Association counters that the Redwood Empire is not exactly extinct. Sonoma is 56 per-

cent forest and just 5 percent grapes. And only an estimated 10 percent of the vineyards about 5,000 acres—are planted on gutted forests. The group admits that vineyards are not attractive when they're first planted. "It could seem like an invasion," says Jim Caudill of the Sonoma-based Kendall-Jackson winery. Still, some vintners are taking pains to minimize the damage. The Sonoma Growers Association helped work out an ordinance designed to prevent erosion on hillside vineyards. Kendall-Jackson dropped a plan to clear-cut a forest near Occidental and now boasts that it hasn't cut a tree in three years. And by the way, 82 percent of Sonoma County residents say that the wine industry is great for the area's quality of life.

But some vintners aren't great citizens. Sonoma County Deputy District Attorney Jeffrey Holtzman says that in the past few years there has been a "dramatic increase" in complaints about illegal vineyard plantings. Some citizens have become vine-hunting watchdogs. Libby Rossknecht, who lives on 2.5 acres near Windsor, Calif., called Hamilton to report that her neighbor felled 24 oak trees to make way for more grape vines on his 30-acre property. One 70-foot tree was more than 100 years old. "I just couldn't believe that anybody could cut down a tree that was so beautiful," Rossknecht says. Rossknecht's neighbor was fined \$2,448 and may face litigation from the state. The tree may be gone, but the controversy will be fermenting for quite some time.



Fatal mistake: The gunman who did not have intended to kill Gonzalez (right), but he left Parks (left) and a woman inside the crime scene in injury.

POPEYES
CHICKEN & BISCUITS

LOS ANGELES

A Murder in the Family

Even the police chief's granddaughter isn't safe

BY ANDREW MURR

LORI GONZALEZ WAS IN THE WRONG place at the wrong time. At the wheel of her blue Chevrolet Caprice, the 20-year-old college student was leaving the drive-through line at a Popeyes Chicken & Biscuits restaurant in south Los Angeles last week with a young male friend. Suddenly, a darkly dressed man appeared at the passenger door with a gun. The friend ducked, and several bullets tore into Gonzalez, wounding her fatally. The shooter, described as a heavyset man in his 20s, vanished into an alley. The quick hit might have become just another statistic—the latest of more than 160 killings reported in L.A. so far this year—except for a horrible irony. Gonzalez's grandfather is the city's police chief, Bernard Parks.

That made the incident more than just another murder. Detectives from LAPD's elite Robbery-Homicide Division took over the case from local units. Police quickly concluded that Gonzalez's killing was a mistake. The killer apparently in-

tended to shoot the friend in the passenger seat, who was not identified. Gonzalez had reportedly known the man as a casual friend for years and was spending time with him while visiting her mother, Felicia Parks-Mena, one of the chief's daughters. The man was also a gang member with a felony record, police said, and he had been wounded three weeks earlier in an ambush at another fast-food joint, Johnnie's Pastrami

His world seemed a long way from Gonzalez's. Raised in Los Angeles by her mother, Gonzalez moved to live with her father and stepmother in Orange County two years ago to attend Saddleback College. She also held two jobs, as a drugstore clerk and telephone operator. At Coast Hills Community Church, she taught Sunday school to 15 second and third graders and took church trips to Mexico to build homes for poor families, according to pastor Eric Nachtrieb. "She's the kind of gal who you'd see with three or four kids in her lap," says Nachtrieb.

The family tragedy comes at a time when Parks is fighting to contain a spreading scandal touched off by a rogue cop who admitted stealing cocaine—and who accused two dozen fellow officers of perjury, shooting unarmed gang members and planting drugs and guns on suspects. The LAPD also faces the threat of a federal civil-rights suit alleging a "pattern and practice" of abuse and racial discrimination, raising the possibility of federal oversight for the department. Since last fall, judges have overturned 81 criminal cases brought by officers of the Rampart Division alone. Two sergeants and an officer have been charged with perjury and falsifying police reports, and more indictments are expected.

Chief Parks himself was in seclusion last week, but some of his best cops were canvassing the neighborhood around Popeyes.

So far, police have complained they were

getting little useful information from their

chief witness—the friend who ducked. ■

SPOKANE

Closing In on the Grocery-Bag Killer

THE VICTIMS WERE found shot twice, many with their heads covered with plastic grocery bags and their bodies buried under leaves. For a decade, police in Spokane, Wash., feared that a serial killer was preying on the city's prostitutes. Their break came when somebody saw one 16-year-old victim climbing into a white Corvette. That led

Jr., 48, a retired Army helicopter pilot who had been pulled over in his Corvette twice, once after apparently picking up a prostitute. Last week prosecutors charged Yates with the murders of eight women, and police say he is a suspect in 10 additional Washington killings.

The list may not end there. Yates has drawn attention from investigators in at least 11

states, British Columbia and Germany—where he was stationed in the Army. At his arraignment last week Yates, the father of five, pleaded not guilty to all counts. Nonetheless, the brother of one victim said he hoped his sister's killer would hang. It could happen. Washington is one of the last states to use the gallows, though condemned inmates can opt for lethal injection.



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Relics From 'the Great Crusade'

D-Day was the hinge of the 20th century, and now the men who won the war have their own museum in New Orleans, the place the victory was born



BY JON MEACHAM

IT DIDN'T HIT HIM UNTIL THE END OF THE day. On June 6, 1944, Elmer Carmichael was a boatswain's mate on a landing craft heading for Omaha Beach. As the boat approached the shore, it struck a mine and was blasted by several German shells; ablaze, the craft then tried again 300 yards further down the beach, only to be shelled again. The surf was frothy with blood, and now the boat was sinking. "We had a lot of dead and wounded aboard and no way to do anything with them," Carmichael remembers. He managed to get out to a larger ship, where he and others unloaded the casualties—and then decided to head back to the beach. They didn't make it. Two hundred men had been in the boat for the first wave of the D-Day attack; 85 were dead. A tug rescued the survivors, and Carmichael staggered aboard. He managed to get his helmet off, and sat down on an ammunition box. "They gave me a cigarette," he says, "but I got to shaking and couldn't hold the match steady."

This week, Carmichael will be on hand as his helmet and his story go on display at the new National D-Day Museum in New Orleans. "I gave them everything I still had—the survivors' kit the Red Cross had for us, my uniforms—because I didn't want it all to be scattered. My dad was in World War I, and it was hard to keep up with his souvenirs. Things have a way of disappearing." The museum and its founder, historian Stephen Ambrose, are making sure nothing about Overlord—the Allied invasion of Nazi-occupied France—is ever lost.

That June morning was the hinge of the century. Winston Churchill called it "the most difficult and complicated operation ever to take place." Adolf Hitler knew the stakes: "The destruction of the enemy's landing is the sole decisive factor in the whole conduct of the war and hence in its final results." Had Overlord failed, the liberation of Europe could have been indefinitely delayed. The road to victory—and to the new \$25 million museum—began about a mile from the New Orleans site, in a factory where Andrew Higgins designed and produced the LCVPs (in military parlance, landing craft, vehicle and personnel) that got troops from sea to beach on a collapsing ramp. In 1964, Ambrose traveled to Eisenhower's Gettysburg farm to interview for a post editing the former president's papers. Noting that Ambrose was living and teaching in New Orleans, Ike asked him if he knew Higgins—"the man," Eisenhower said,



First wave: American troops storm Normandy beach on D-Day



Montz, who wrote that he "jumped out in waist deep water about 500 or 600 yards from seawall. Mortar and artillery fire around us... Men were being blown up and hit all around me." And a recording of Pvt. Bob Slaughter's memories of Omaha plays in an oral-history booth: "I looked back at the landing craft and saw some in the water bleeding—I saw one of my buddies fall in the water. They killed him and water turned red."

Built in a converted brewery, designed by the firm that developed the Ellis Island and Statue of Liberty museums, the D-Day memorial sprawls over 65,000 square feet. You enter it through a soaring, light-filled pavilion, with a replica of one of Higgins's landing craft and an RAF Spitfire that flew over Normandy. A succession of sophisticated, interactive galleries follow, taking you from the Great Depression to Pearl Harbor to D-Day to victory. You can walk through a Norman hedgerow and put yourself in the Germans' shoes by peering through the slit of a concrete Nazi coastal bunker.

The museum's opening may be the last great gathering of the men who undertook what Eisenhower called "the Great Crusade." World War II veterans are slipping into the shadows. There are just 6 million of them left, and they are dying at a rate of 1,000 per day. "The museum will help history remember what happened over there, and that's important," says Slaughter. With voices like his echoing down the decades, we won't soon forget.

With James S. Cagin

FOR A LIVE TALK ABOUT D-DAY AND THE WORLD WAR II GENERATION, GO TO NEWSWEEK.COM ON THURSDAY, JUNE 8, AT NOON EDT.

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CAST OF CHARACTERS

Photographed by Andrew Williams at NEWSWEEK, from left to right:

SUSIE TURROW, *tinybop* author, past president of the Authors Guild; JASON EISENSTAT, former editorial director of Random House, co-founder of The New York Review of Books and founder of the Library of America; MICHAEL FRAYN, vice president of Books at Amazon.com; JOHN FELDCAMP, founder and CEO of Xlibris Corp., an online publisher; RICHARD HOWORTH, owner of Square Books, *msn* and *msn* president of the American Booksellers Association; ANDREA J. BINKY URBAN, literary agent with International Creative Management; and SUSAN MOLINOW, publisher of Scribner Books.

Publish or Perish

Is the book industry fighting extinction, driven by battles and bottom lines, or is it on the verge of an electronic rebirth? A round-table of experts, from all corners of the profession, share a lively exchange of views.

ARTS & ENTERTAINMENT

TO HEAR PUBLISHERS AND booksellers talk, no one involved in the production or sale of a book in this country ever gets a good night's sleep. For years publishers have worried about everything from overpaying to greedy authors to takeovers by impersonal corporations. Independent booksellers fretted about superstores down the street and dot-coms on the Web.

And those were the good old days. Since March, when Stephen King became the first big-name author to sell a book in an exclusively electronic format, everybody's been wondering what's going to happen not just next year but next week. More than 400,000 readers downloaded King's novella "Riding the Bullet" to their computers or an e-book reading device. Publishers reacted almost as swiftly. Two weeks ago three of the five largest publishing conglomerates announced plans to sell selected titles on handheld electronic readers and to publish manuscripts online. Overnight, the very definitions of terms like "publisher" and "book"—words basic to our understanding of our culture—are up for grabs. To sort out this volatile scene, we invited seven major players in publishing (list, left) to sit down and discuss a world where the printed word isn't necessarily printed anymore. Here is their conversation with NEWSWEEK's Malcolm Jones and Ray Sawhill.

NEWSWEEK: America's readers are going to independent bookstores, they're going to chain bookstores, they're buying books online. Book buying has never been simpler. Yet publishers and booksellers talk as if they ■■■■■ convinced a tidal ■■■■■ is about to hit.

JOHN FELDCAMP: No matter how anybody feels about it, technology has seeped into the very fabric of everything we do and certainly every element of publishing. This creeping digitalization has now entered nearly every aspect of the process. It's everywhere. Within the next couple of years, new books will simply never go out of print anymore. They'll exist in these perfectly virtual forms and will be downloaded to e-books. We're going to see print-on-demand machines, which allow distributors or bookstores to download and print a book on the spot.

ANDAMA (BINKY) URBAN: I'm not convinced. I don't know that

it's going to be that violent or that sudden, because I think a couple of things have to happen. First, there is a complete lack of hardware right now. Second, I think readers are going to lead us. I think there is going to be a slower transition, a generational transition. And I hate to be the agent here, but people are going to have to figure out how to make money doing all this. That's going to take a while.

NEWSWEEK: Richard, will you be putting a print-on-demand machine in your store?

RICHARD HOWORTH: I don't know when it'll happen, but yeah, I'm sure we will.

JASON EPSTEIN: Do you expect Barnes & Noble stores typically in five years to have print-on-demand machines in them?

MICHAEL FRAGNITO: Yeah, I think right now

and be able to recommend things to you.

MOLDOW: The way in which your reading habits become public-domain information, and those habits get translated into further commercialization of everything, makes me apprehensive. It's



RICHARD HOWORTH

the authors are well served. Let's make sure that the industry is strengthened. Let's make sure that the agent community is strengthened. Let's make sure that we can connect to readers more closely.

NEWSWEEK: Richard, how strengthened do you feel by all this?

HOWORTH: Well, I notice he didn't say anything about bookstores. [Laughter]

NEWSWEEK: Susan, you're a New York City publisher. We're talking about the dispersal of publishing into the very ether. How do you feel about all of this, and how do you see your role in it?

MOLDOW: What's obvious to me is that everyone can do what everyone else used to do. So I can sell books just like Barnes & Noble. I'm choosing not to. I'm choosing not to use my Web site to sell books because I want Richard to stay in business and I

want Michael to have a job. But Michael can publish just like you can. And does Scott need his agent if he can go to Michael? So everybody can eat everyone else's lunch. Each of us is trying to maintain an environment where there is a place for each of us.

HOWORTH: I think what we all want—and this is why most of us got into this business—is literature of quality. We want to get more readers. We want writers to be valued in society and to be paid for doing good work. I don't give a damn if my store is in Oxford, Miss.—or exists at all—as long as someone is

in that community doing the quality of bookselling which I believe people in my community want and deserve. And I feel the same way about all the other components of publishing. So I don't think people are trying to hold on to their jobs, or take their lunch and hide it so nobody else is going to eat it. I think we all want the best thing for a healthy reading democratic society.

MOLDOW: It is under threat.

HOWORTH: It has always been under threat.

SCOTT TUROW: What bothers me about the new frontier is that it's sort of a wasteland. Perhaps as the mainstream grows wider and wider and wider, it drowns all of the smaller and more diverse voices. Let's not forget that the person who sold 400,000 copies in two days was Stephen King. That's not a new voice. It may be a wonderful voice, but it's hardly a new voice.

EPSTEIN: And it was free.

TUROW: And it was, by and large, free at that point. But you know, I guess my concern is that if there are 2 million free



AMANDA URBAN

we have some print-on-demand machines in our regional centers.

NEWSWEEK: Let's say a million titles can be kept "in print" electronically, to be printed out on demand. Is there ever going to be a decent filtering system for readers so they can find the books they want to read?

FELDCAMP: Anybody been to a supermarket lately and watched what spits out along with your receipts? You get this long roll of stuff, and on the back it's coupons. Those coupons are customized just for you. They know what you're buying. If you go to Amazon, Amazon tracks your buying habits at an extraordinarily deep level. They're in a position to know an unbelievable amount about what you buy. So you're going to see some very smart robots. I don't know if anybody loves this, but they're going to know an amazing amount about you

"I'm making no money at all in this new medium. And yet I've hired four people since October to do nothing but be engaged in what we call our Internet initiative."

—AMANDA URBAN, AGENT



MICHAEL FRAGNITO

exciting to you and it's terrifying to me. **FELDCAMP:** It's not that I don't find it terrifying. It's just that there is an inevitability to this, and one of the great questions is: since things are heading this way in any case, how can we make sure that this does the most good for the most people? Let's make sure that the technology serves the appropriate people. Let's make sure that

people are only going to see a forest. **FELDCAMP:** I totally agree with you. But the fact is, you can't get the genie back in the



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ON EPSTEIN, EDITOR

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stores in addition, but that's not bad. And that can happen.

TUROW: That's not appealing to me at all.

initiative. I spend countless hours every week meeting and talking to people. So that eventually, when this begins to sort

Investigative Reports

Monday

INSIDE Alcoholics Anonymous

Host Bill Kurtis goes behind the closed doors of Alcoholics Anonymous and reveals the truth about one of the most influential organizations in the world.

Tuesday — Cold Case Files Detectives use psychological profiling and forensics to crack unsolved cases.

Wednesday — 9/11: A shocking examination of security on the World Trade Center and our nation's vulnerability to cyber attack.

Thursday — In the Line of Fire: The Protectors An up-close look at the people who put their lives on the line to protect our world leaders.

Friday — All the Presidents' Women Separate truth from rumor in the scandals that rocked the White House over the years.

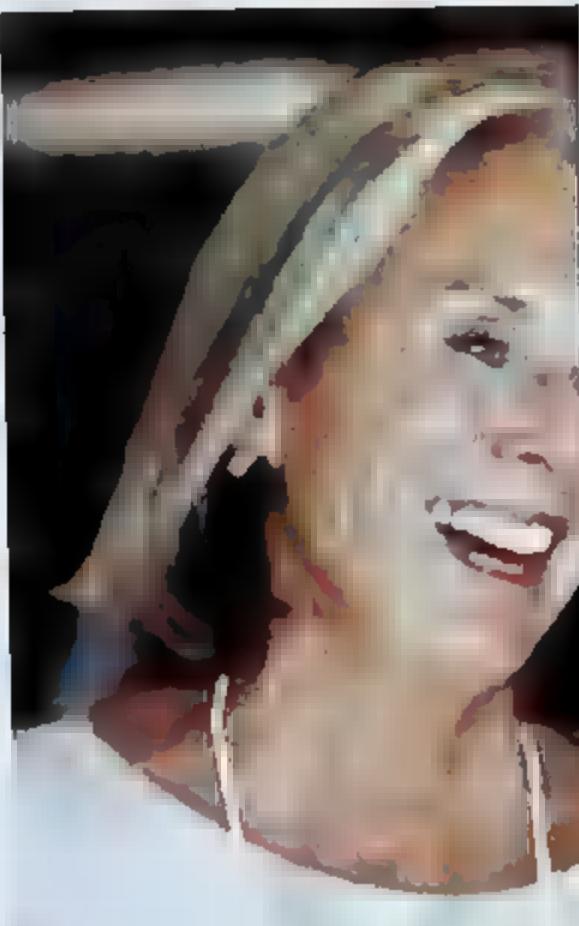
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it's going to be that violent or that sudden, because I think a couple of things have to happen. First, there is a complete lack of hardware right now. So I think readers are going to lead there is going to be a slower to a generational transition. And be the agent here, but people have to figure out how to money doing all this. That's going a while.

NEWSWEEK: Richard, will you be print-on-demand machine in your store?
RICHARD HOWORTH: I don't know what will happen, but yeah, I'm sure we will.
JASON EPSTEIN: Do you expect Barnes & Noble stores typically in five years to have print-on-demand machines in them?
MICHAEL FRAGNITO: Yeah, I think so.



AMANDA URBAN

we have some print-on-demand machines in our regional centers.

NEWSWEEK: So let's say a million titles can be kept "in print" electronically, will be printed out on demand. Is there ever going to be a decent filtering system for readers so they can find the books they want to read?

FELDCAMP: Anybody been to a supermarket lately and watched what spits out along with your receipts? You get this long roll of stuff, and on the back it's coupons. Those coupons are customized just for you. They know what you're buying. If you go to Amazon, Amazon tracks your buying habits at an extraordinarily deep level. They're in a position to know an unbelievable amount about what you buy. So you're going to see some very smart robots. I don't know if anybody loves this, but they're going to know an amazing amount about you

and be able to recommend things to you.
SUSAN MOLDOW: The way in which your reading habits become public-domain

the authors are well served. Let's make sure that the industry is strengthened. Let's make sure that the agent community is

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I've hired four people since October to do nothing but be engaged in what we call our Internet initiative."

—AMANDA URBAN, AGENT



MICHAEL FRAGNITO

exciting to you and it's terrifying to me.
FELDCAMP: It's not that I don't find it terrifying. It's just that there is an inevitability to this, and one of the great questions is, since things are heading this way in any case, how can we make sure that this does the most good for the most people? Let's make sure that the technology serves the appropriate people. Let's make sure that

environment where there is a place for each of us.

HOWORTH: I think what we all want—and this is why most of us got into this business—is literature of quality. We want to get more readers. We want writers to be valued in society and to be paid for doing good work. I don't give a damn if my store is in Oxford, Miss., or exists at all—as long as someone is

in that community doing the quality of bookselling which I believe people in my community want and deserve. And I feel the same way about all the other components of publishing. So I don't think people are trying to hold on to their jobs, or take their lunch and hide it so nobody else is going to eat it. I think we all want the best thing for a healthy reading democratic society.

MOLDOW: It is under threat.

HOWORTH: It has always been under threat.

SCOTT TUROW: What bothers me about the new frontier is that it's sort of a wasteland. Perhaps as the mainstream grows wider and wider and wider, it drowns all of the smaller and more diverse voices. Let's not forget that the person who sold 400,000 copies in two days was Stephen King. That's not a new voice. It may be a wonderful voice, but it's hardly a new voice.

EPSTEIN: And it was free.

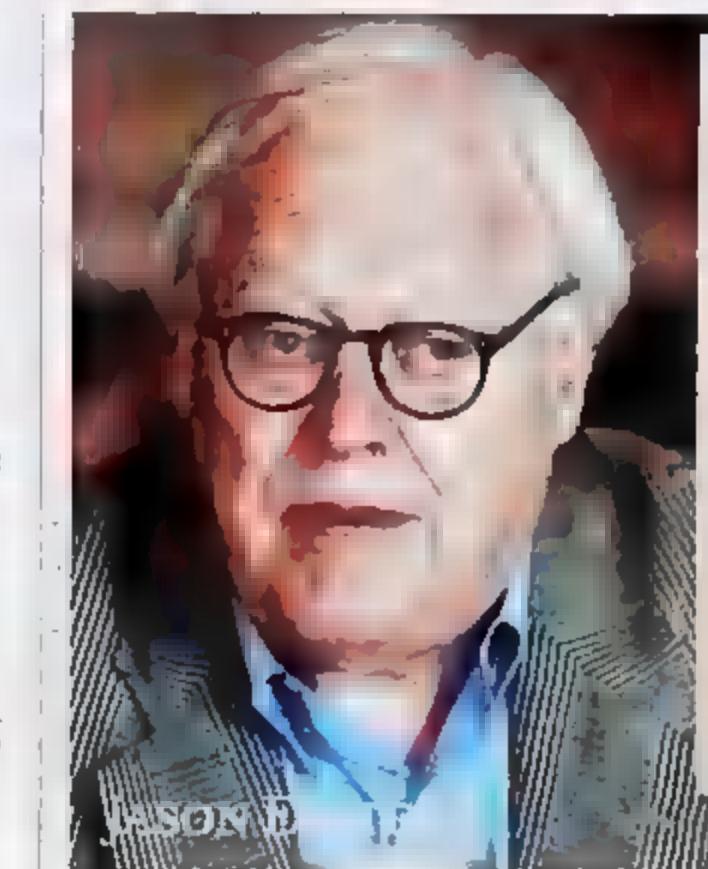
TUROW: And it was, by and large, free at that point. But you know, I guess my concern is that if there are 2 million trees

people are only going to see a forest.
FELDCAMP: I totally agree with you. But the fact is, you can't get the genie back in the bottle. We're already at the point where publishing a book is going to be about as tough as making a home page on the Internet.

NEWSWEEK: Recently people in publishing have been whispering a question: what if Scott Turow or Stephen King or John Updike decides to publish himself?

EPSTEIN: In effect, that's what has been happening with these high-priced, best-selling authors for a long time. Publishers pay them so much in advance, so much more than they can ever earn through the royalties on actual sales. In effect, these authors are hiring publishers at a very small fee to perform certain trivial functions for them that can be done by almost anybody. That's the real relationship. But imagine a time not far off when you can take your next book and set it up on a Web site and people can download it as they did Stephen King's at, say, \$3 a copy, and you keep 80 percent of that. You'll probably still have a very substantial hardcover sale through bookstores in addition, but that's not bad. And that can happen.

TUROW: That's not appealing to me at all.



although if I was doing it in collaboration with Farrar, Straus and Giroux [his publisher], I'd be very happy.

MOLDOW: He's saying he doesn't want to be a businessman. That's the very last thing many writers want to be.

URBAN: That's why people like me exist. I'm making no money at all doing anything in this new medium. And yet I've hired four people since last October to do nothing but be engaged in what we call our Internet initiative. I spend countless hours every week meeting and talking to people. So that eventually, when this begins to sort

"We're an irrational species. We've always made books, and markets where books are traded. But these technologies will make an enormous difference."

—JASON EPSTEIN, EDITOR

itself out, I can make recommendations to my authors, who are expecting me to do this work.

FRAGNITO: It's the same thing all over town as I talk to publishers. And of course, barnes&noble.com is investing millions in infrastructure that can support this. And it has to be done. I mean, those people who are courageous enough to invest now will at least be ahead of the curve for a couple of years.

NEWSWEEK: Michael, does barnes&noble.com seriously expect Americans five years from

Investigative Reports

Monday INSIDE Alcoholics Anonymous

Host Bill Kurtis goes behind the closed doors of Alcoholics Anonymous and reveals the truth about one of the most influential organizations in the world.

Tuesday — Cold Case Files Detectives use psychological profiling and forensics to crack unsolved cases.

Wednesday — e-terror A shocking examination of security on the Internet and our nation's vulnerability to cyber-attack.

Thursday — In the Line of Fire: The Protectors An up-close look at the people who put their lives on the line to protect our world leaders.

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Let's face the music and dance: Lester, Mortimer, Branagh and McElhone cut loose

MOVIES

Shakespeare Less Loved

Branagh's adaptation is more Broadway than bard

BY DAVID ANSEN

IN HIS LAST SHAKESPEAREAN MOVIE, "Hamlet," Kenneth Branagh defied tradition by serving up the entire text of the play. In the romantic comedy "Love's Labour's Lost," he goes about as far as you can in the opposite direction—only about 25 percent of Shakespeare's words remain. In their place are the songs of Cole Porter, George and Ira Gershwin, Jerome Kern and Irving Berlin. And dances that ape Astaire and Rogers, Gene Kelly and the bathing beauties of Busby Berkeley. Yes, folks, this is Shakespeare reborn as a full-fledged '30s-style musical, as deliberately artificial as a paper moon. It even has Nathan Lane and a strutting chorus doing "There's No Business Like Show Business." ■

Love's Labour's Lost
Miramax
Opens June 9

BOOKS

A Literary Suicide Note

Heller's chilling last novel

BY DAVID GATES

READERS TEND TO REMEMBER Joseph Heller for the funny names in the 1961 "Catch-22" (Milo Minderbinder, Major Major Major Major) and the novel's title, now a what-the-hey catchphrase. Heller's humor, though, wasn't comic relief—it wasn't "relief" at all—but an

obsessive reaction to the same dread of pointless extinction that led him to imagine the gruesome death of the airman Snowden. His crafty final novel, "Portrait of an Artist, as an Old Man," completed before he died of a heart attack last December, is his slightest, but it may be his scariest: it amounts to a literary suicide note. An aged, blocked novelist named Eugene Pota (portrait of the artist) desultorily considers and disgustedly abandons bad ideas for a new book: parodies of "Tom Sawyer," retellings of the Trojan War. "I want to cap my career with a masterpiece of some kind," Pota tells his editor, "even a great very small one." When Pota's novel turns out to be the one we're reading, we're neither surprised nor delighted. Pota's not either.

After all, Pota knows novels about novelists are "passe"—like novels about unhappy marriages, dysfunctional families and war. He knows too much. (Anyway, he's done his war novel.) One idea needs "flashy plotting" that he "did not wish to think himself capable of executing." Another would take tedious character development, and younger writers "are better at it now and have the gusto and the time." Why does Pota, with money from his old best sellers, still bother? Because he



More than *Catch-22*: The author in 1999

has nothing else to do. (Heller himself said just that in a 1997 interview.) Since the unrelentingly grim masterwork "Something Happened" (1974), Heller's novels seemed increasingly willed and desperate. "God Knows," with King David as a sort of stand-up comic, "Picture This," with Rembrandt, Socrates and Plato, "Portrait of an Artist" takes this desperation to its logical end: self-referential paralysis. Did he ultimately pull it off, transmuting the death of creativity into a final "masterpiece"? Not even Pota seems to think so. And Heller must have known this book would chill every writer, and many readers, to the heart, while offering not a bit of comfort. For having that much nerve you've got to admire him at least. ■

Portrait of an Artist, as an Old Man
Joseph Heller
(Simon & Schuster)
233 pages. \$23



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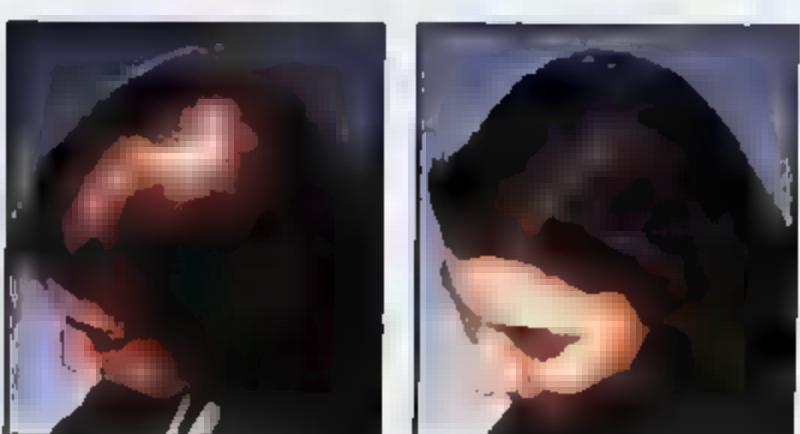
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The Joys of Summer: No More (OK, Fewer) Reruns

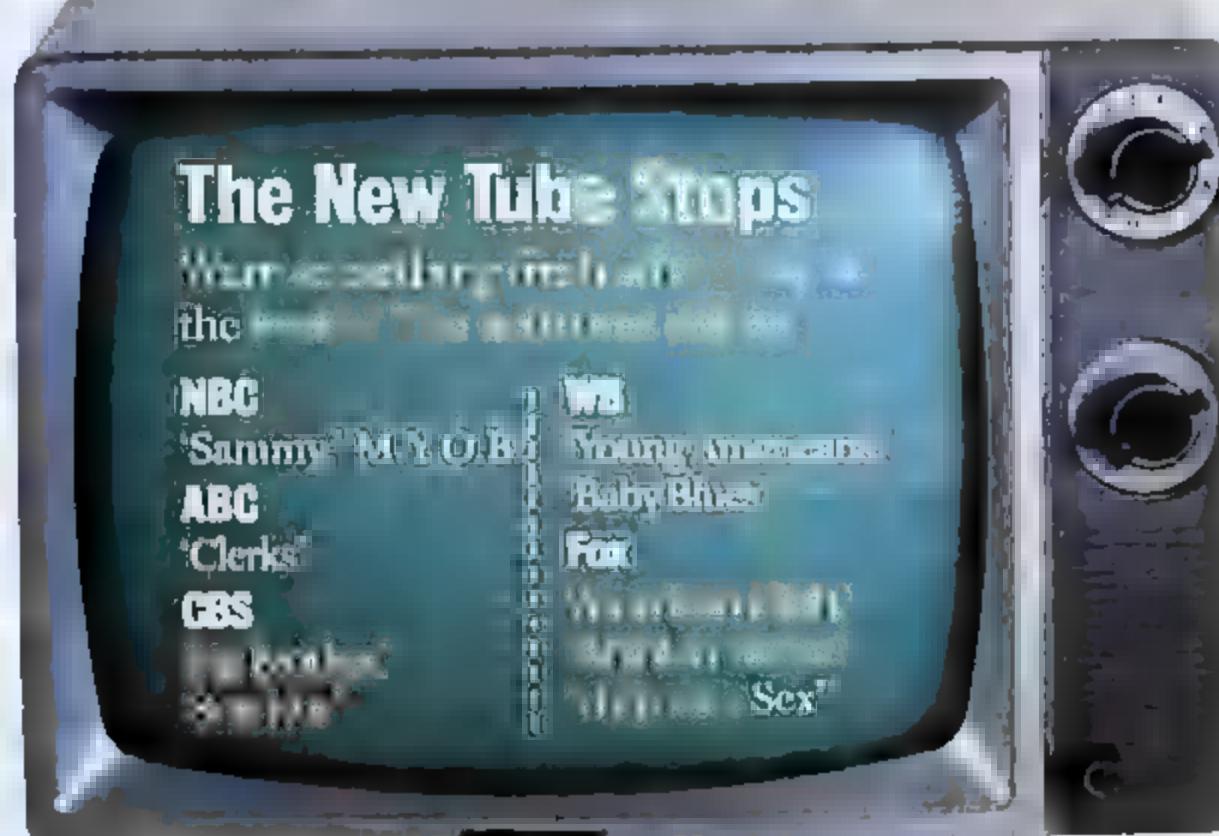
The networks finally warm to off-season programs

BY MARC PEYSER

NOT LONG AGO, SUMMER CAME with only a few easy-to-follow instructions: Do not eat oysters. Do not expect the Cubs to win. And do not look for anything decent to watch on network television. Like schoolteachers and ice-hockey players, the networks have mostly skipped out on summer, leaving the rest of us to wallow in three months of reruns. Now, just in time for the new millennium—or, more important, just as the wonderfully hormonal



'YOUNG AMERICANS': *'Dawson's Creek'* set at a boarding school



'CLERKS': Based on Kevin Smith's acclaimed 1994 film, with the same indie sensibility

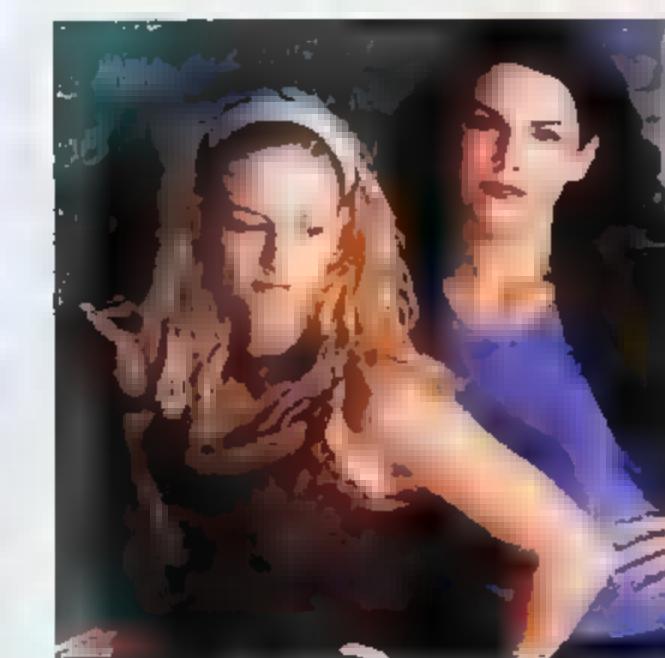
"Sex and the City" threatens to lure even more viewers to HBO—the networks are finally getting with the programming. Almost a dozen new shows are scheduled to debut before Labor Day, from sitcoms to dramas, game shows to reality programs. "Viewers will watch in the summer," says Marc Berman, an independent programming consultant, "if they're offered good options instead of leftover garbage."

Much as the TV world hates to give him any more credit, the new summer programming probably wouldn't have happened if it hadn't been for Regis Philbin. After "Who Wants to Be a Millionaire" became a mega-hit last August, the networks finally woke up to the fact that lots of people still watch TV in the off-season. That doesn't mean it's easy for a summer program to make it. With competition from blockbuster movies and family vacations, TV traditionally loses up to 25 percent of its viewers during the warmer months. And then there's the summer stup-

in the \$1 poker game, not the \$100 poker game," says CBS Television president Leslie Moonves. CBS is launching two reality shows this summer, "Survivor" and "Big Brother," which are calculated risks for TV's oldest-skewing network. "It's inexpensive programming. If it works, great. If it doesn't, we're happy we tried it."

But let the viewer beware: not all summer programs are created equal. The networks have long used the dog days as a dumping ground for unaired episodes of shows they've given up on or pilots that never made the grade. The networks may call these shows new, but in fact they're siphoning lousy leftovers. It's a process called "burning off." Don't be burned by underwhelming programs such as "Time of Your Life" and "Love & Money." They'll be aired over the next few months—and never seen again.

No wonder some people are less than thrilled to have their shows airing this summer. Kevin Smith, who has created an animated TV version of his



'M.Y.O.B.': A sassy comedy not unlike the film *'The Opposite of Sex'*

1994 slacker movie "Clerks," is blasting ABC for airing his show now. "Nobody is watching TV in the summer," says Smith. "Unless Christ himself gives it God's holy blessing, the show is dead." On the other hand, another refugee from the movies, Don Roos ("The Opposite of Sex"), says he's perfectly happy to have his sitcom, "M.Y.O.B.," debuting this week. The darkly sassy story of a manipulative high-school girl and her emotionally needy aunt, "M.Y.O.B."—for "mind your own business"—is just the kind of smart but somewhat off-putting show that might flounder against more traditional sitcoms. "It's a bit unusual," says NBC Entertainment president Garth Ancier. "I'd like it to be on when it faces less conventional competition and people will give it a try." At least one person is hedging her bet: "M.Y.O.B." star Lauren Graham has already signed up for the WB show "Gilmore Girls." It debuts when else? next fall. ■

THE PULSE

Pack your trunks: 28% of parents say they send their kids to camp to boost self-confidence, while 21% see it as a place to build social skills and make friends

SOURCE: AMERICAN CAMPING ASSOCIATION

Your Family

A Season of Shows

Children's museums around the country have the antidote to the summer-vacation blahs. Here's a sampling of some of the current best offerings.

BY ANNETTA MILLER

IT'S A FAMILIAR DILEMMA OVER summer vacation. You're in Houston to visit Grandma, and the non-natives (i.e., the kids) are restless. Don't despair. Almost every metropolitan area (and many rural ones) now have museums where youngsters can do everything from creating a map of their own heads to building a 50-foot-high fountain of water. "Children's museums bring out the genius in every child," says Lou Casagrande, president of the Association of Youth Museums, which represents approximately 200 such institutions. Below, a sampler of some of the most engaging museums from around the country. To find the one nearest your home or vacation destination, visit the Association of Youth Museums Web site at www.aym.org.



The Children's Museum of Houston

713-522-1138

www.cmhouston.org

Interested in immersing your kids in exotic cultures without risking jet lag and peanut-butter-sandwich scarcities? Houston's museum provides a unique window into the way other societies live in two of its exhibits. "Yalalag, A Mountain Village in Mexico," allows children to experience a new culture through the exploration of an everyday math games, brain teasers and other activities. Kids journey back in time to meet famous mathematicians like Archimedes or Sophie Germain, who share the secrets behind their mathematical discoveries. Through Oct. 1



"La Miserclanea" for a more familiar grocery-shopping experience. In a virtual trip across the globe, they can also dive into the rich West African culture carried to the United States in the 1520s and maintained by the Gullah people of the Sea Islands of South Carolina and Georgia. "Cum Yuh

Gullah," a world-premiere exhibit starting July 1, helps unlock the origins of many American songs, stories and clothes from the Gullah community. Kids have the opportunity, for example, to weave the kind of sweetgrass basket popular on the coast of West Africa. This summer's featured exhibit, "Everyone Counts!" ("Todo el Mundo Cuenta"), a hands-on collection of everyday math games, brain teasers and other activities. Kids journey back in time to meet famous mathematicians like

Archimedes or Sophie Germain, who share the secrets behind their mathematical discoveries. Through Oct. 1

gan. At WaterWays, an interactive exhibit on the third floor, kids can build fountains, construct model dams, sail toy boats and explore a three-story schooner. After closing time on Wednesday and Friday there's a fireworks display in the pier's night skies. This summer's featured exhibit, "Mister Rogers' Neighborhood," where kids visit a life-size replica of the classic TV show's set. The trolley and Mr. Rogers's famous sweater and shoes are available for viewing. Through Jan. 7

The Children's Museum of Boston

617-426-8855

www.bostonkids.org

This museum pioneered the concept that children learn best when they can use all their senses—seeing, smelling, touching, hearing and tasting—to explore their environment. And the emphasis on hands-on activities is still apparent today. In Construction Zone, a kid-size indoor "building" site, youngsters can dig, tunnel

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YOUR FAMILY

construct (and tear down!) their own creations. At the Japanese House, an actual two-story silk merchant's home moved to the museum from Kyoto, Japan, they learn how to eat with chopsticks. And across the way in the museum's Supermercado exhibit, families can shop and learn about Latin American culture and food in an in-

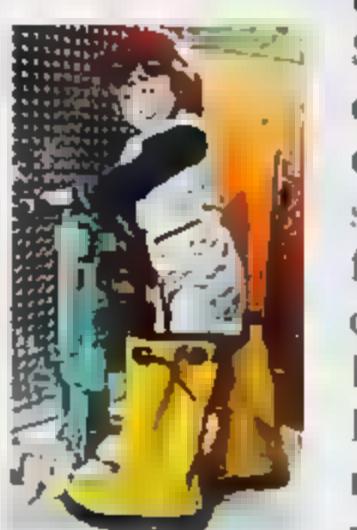
teractive grocery store. Some of the museum's exhibits were the brainchild of Michael Spock, son of the Dr. Spock, a former BCM director and consultant to the Port Discovery museum in Baltimore. This summer's featured exhibit: a newly redesigned "Play-space," aimed at sparking creativity in children 0-3. Opening in early July.

The Children's Museum of Indianapolis
317-334-3322
www.childrensmuseum.org

Get your teenager to come to a children's museum? Yeah, sure, you say, right after you get him to take out the garbage and clean his room. But, the Indianapolis Museum, the largest in the country, is one of the few children's museums that has successfully pursued the teen market. A big hit right now is "Drumbeats," celebrating percussion instruments from many different cultures. The exhibit will showcase the personal story of Kenny Aronoff, a former music professor at Indiana University who has played with John Mellencamp and the Smashing Pumpkins. This summer's featured exhibit: "Theme Park," a peek into the science and engineering behind wild rides. Through Sept. 10.

Children's Discovery Museum of San Jose
408-298-5437
www.cdm.org

What would a children's museum in Silicon Valley be without a little high-techology? This museum has its share—including exhibits funded by Apple cofounder Steve Jobs. One such display, called "Map Your Head," lets children use a video camera to scan their noggin and then digitally translate the image into a two-dimensional rendering. Kids watch from a monitor as the computer builds the image frame by frame in the same way the 360-degree planet Earth is translated into maps. This summer's featured exhibit: "Arthur's World," designed by the Children's Museum of Boston and based on the Marc Brown books and the TV series. Through Jan. 6.



INTERVIEW

Do Tests Hurt Poor Kids?

A noted reformer argues against high-stakes exams

cheap way of trying to provide equity

Some of the support for standardization springs from a distrust of the school system. Isn't some of that distrust deserved? No. Students today read as well as they did in the past, and as well as everyone else in the world. What has been revolutionary is the kind of literacy we now think students should have. In the 1940s we didn't think literacy meant being able to read a college text. Now we have enormously higher expectations, and a phony hysteria about the distance between where we are and where we'd like to go that is fueling this movement

What started the hysteria?

It came from a fear in the 1980s that we would be eclipsed by Japan or Germany. Now our economy is doing very well, so I don't get why we still have this panic. Of course students could do better, but the kind of citizens we need in the future are not those who will do better on a standardized test.

Are you worried that high-stakes tests will encourage schools to get rid of their tough-to-teach cases, instead of working harder to help them?

You said it. I think we're going to see a lot of interesting games going on, like who we're going to hope will drop out of school

What should we be doing instead of testing?

We should be focusing on smaller schools and keeping students and parents more involved in decision making. The most powerful thing you can do for kids is get them into something interesting. Help them imagine a life doing interesting things. Those are the life-transforming experiences. My fear is that all this emphasis on testing is moving us away from those ideas.



Meier at work as principal of Boston's Mission Hill School

YOUR FAMILY

LITTLE VICTORIES

By KARLA CONWAY

ONE SUMMER NIGHT WHEN I WAS 7 YEARS OLD, THE ELDERS OF our church came to our home and told my father that he no longer had a job as the preacher of their congregation. It was the early 1960s, and many religious denominations in our town—as in most small Alabama towns—were represented by at least two congregations: one white and one black. My father, Raymond Shackleford, was the preacher for one of the white congregations, and he and the reverend for the black church were friends. They often exchanged Christmas presents and visited each other's home. I was always expected to show the same politeness to the reverend as I would to any of my parents' friends. I saw nothing unusual in this friendship.

At one point the reverend for the black church became seriously ill and asked my father to substitute for him while he recovered. The reverend's congregation offered to move their service to the afternoon so my dad could preach for them after he was finished with his own Sunday-morning service. It was during those afternoons that I first heard the joyful gospel music



The past in black and white: Conway and her father

and the unrestrained "amen"s that were so different from the subdued propriety of the white congregation's services.

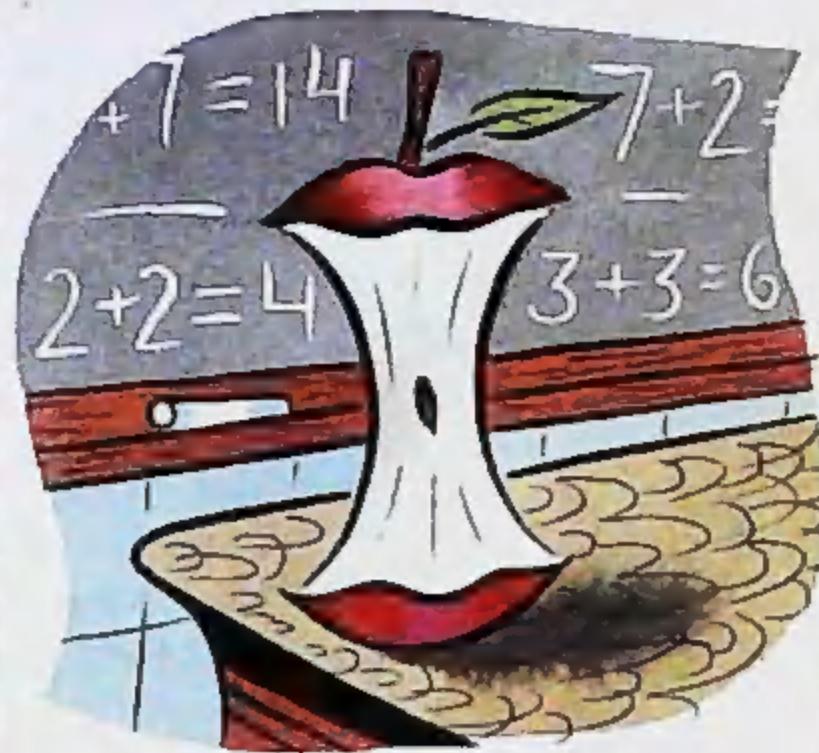
So it was no surprise when Dad invited members from the black congregation to attend our church's summer revival, a week of preaching services that featured a speaker from out of town. As the week's services began, a few black visitors came to our church and sat in the back rows of the sanctuary. In the past such visits had been quietly accepted, but this was a summer of discontent throughout the South. My dad's invitation brought discomfort too close to home.

Soon followed the solemn visit to our home by the church elders. After that Dad was no longer the preacher. Nonetheless, my parents stayed in the same town and my father went on to become reverend for another congregation. Before long, schools, churches and lunch counters were integrated, and today children learn about those years in history classes.

Now, whenever I read a story about heroes of the civil-rights movement, I realize that I've been blessed to know one. Dad never needed to tell us to judge people for who they were and not by the color of their skin, or to treat people who disagreed with us with respect. He showed us. And in the midst of troubled times, I learned that change doesn't just happen on the big battlefields. It also comes from little victories won by individual heroes.

CONWAY IS A WINNER OF THE "MY TURN: FAMILY HEROES" CONTEST, IN WHICH READERS SUBMITTED ONLINE ESSAYS ABOUT THEIR OWN FAMILY HEROES TO NEWSWEEK.COM. FOR MORE ESSAYS, LOG ON TO NEWSWEEK.COM.

FAMILY NOTES



TEACHERS Stopping the Dropout Rate for New Recruits

WHY DO 20 PERCENT OF NEW teachers leave the profession in the first five years? In the current economic boom, the lure of a bigger paycheck in another field would seem to be the most likely culprit. But a new survey by Public Agenda, a nonprofit group, indicates that the reasons are more complex. Although 75 percent believe they are underpaid, they also say that conditions in the classroom—not money woes—drive them out. More important to young teachers are being in a school with motivated kids, having supportive administrators, working with talented colleagues and feeling in tune with a school's mission.

SPORTS A Coach's Life Lessons

FOR RICKY BYRDSONG, BASKETBALL was more than just a sport. The beloved Northwestern University coach saw it as a way to give young players the skills they needed to develop a game plan for life. After he was murdered a year ago in a drive-by shooting, his half-finished manuscript was completed by two writers who attend his church, with help from his widow, Sherielyn. "Coaching Your Kids in the Game of Life" (Bethany House Publishers, \$17.99) is a playbook for life, filled with sports analogies parents can use to talk to their kids—with themes like "Home Court Advantage" and "Rebounding Makes MVPs."



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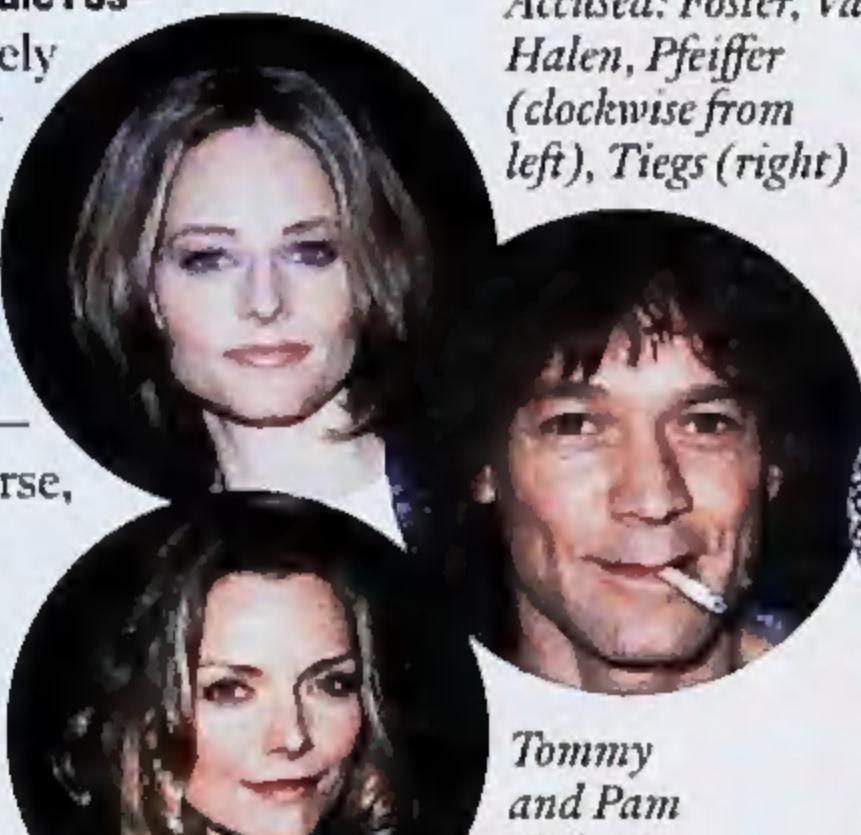
NEWSMAKERS

Don't Believe the Hype

TRUTH MAY BE STRANGER THAN FICTION, BUT sometimes the made-up stuff is pretty weird, too. Last week gossipmongers dished out more than their usual share of false reports. Example 1: British papers said that **Michelle Pfeiffer** was snubbed at London's troubled Millennium Dome when she tried to visit last February. Not true, says a rep. The star was in town for one day, and she spent it promoting "The Story of Us." Example 2: Rock guitarist **Eddie Van Halen** is in a clinical trial to prevent cancer. But he does not have the disease, said a spokeswoman for the University of Texas MD Anderson Cancer Center. Example 3: **Jodie Foster** says she's most definitely *not* pregnant, despite stories she is. Hard to imagine she would be, since she's working on "The Dangerous Lives of Altar Boys," in which she plays—a one-legged nun. Of course, ironclad denials don't always stay that way. Remember President Clinton and "that woman"?

Turning In Tommy

Pamela Anderson HAS BEEN A busty lifeguard. Now it looks like she's been busy busting her on-again, off-again ex-husband **Tommy Lee**. Lee spent time in jail last week after Anderson ratted him out, says Lee's lawyer Harvey Slovis. Anderson told a Malibu, Calif., court that she'd seen Lee consuming alcohol—with her, apparently, when they were trying to patch up their relationship over New Year's. That's a no-no for Lee, whose 1998 probation prohibits booze and drugs. A spokeswoman for Anderson claims "she was not the one" who fingered Lee. However, Los Angeles Deputy District Attorney Kathryn Solorzano insists it was Anderson who called her to report the violation. To add insult to injury, Anderson reportedly is now keeping company with model **Marcus Schenkenberg**. Nothing motley about him.



Tommy and Pam (below)



Parenthood at 50-Plus

"THERE IS NO QUESTION that I will be a better mother today than when I was really young," says **Cheryl Tiegs**. "I have a lot more patience today." She'd better be. A surrogate mother is carrying twin boys, due next month, for Tiegs, 52, and her

husband, **Rod Stryker**, 42, a yoga master. The '70s supermodel already has a son, Zach, 8, but she spent more than a year trying to conceive this time. So her doctor put her in touch with an

unidentified surrogate who's using the model's eggs and Stryker's sperm. Tiegs isn't the only one turning to science to start a family. Canadian megaphone **Celine Dion** has just undergone two operations to improve her chances of becoming pregnant. You think Tiegs will need extra energy? If Dion's procedures have succeeded in making her pregnant, her husband, **Rene Angelil**, will be a dad—at 59.



Accused: Foster, Van Halen, Pfeiffer (clockwise from left), Tiegs (right)



Is he just another pawn? Sting

Kasparov's Next Checkmate: Sting

Sting AND WORLD CHESS champion **Garry Kasparov** have set aside 60 minutes later this month to play a charity chess match. But you've got to wonder: what will they do with the other 57? No matter how long it takes Sting to lose, some of the sponsorship money will go to his Rainforest Foundation. The match is also designed to draw attention to a worldwide tournament played by students from around the world on Kasparov's Web site. Of course, the students played in the anonymous confines of cyberspace. Sting—never one to shy from a freakish display of human endurance—will have his match broadcast on the Jumbotron in Times Square and on several Web sites. Perfect venues to watch every move he makes.

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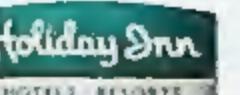


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THE LAST WORD

BEING 'MOST MENTIONED'

Is not all fun. As Pennsylvania's Gov. Tom Ridge, potential running mate, is finding out.

By GEORGE F. WILL

HARRISBURG, PA.

CLEARLY GEORGE W. BUSH FINDS PENNSYLVANIA'S Gov. Tom Ridge congenial company. "Two minds with but a single thought, two hearts that beat as one," is perhaps how Bush puts it when waxing poetic. Ridge, 54, a solidly assembled 6 feet 2 inches, radiates executive energy. Like Bush, he is confident, upbeat, relaxed, humorous, conservative (six tax cuts in six years) and a practitioner of what he calls "limited but activist government." Unlike Bush, Ridge is a fluent extemporaneous speaker: his sentences parse and form paragraphs. He has a knack for pithy dispraise of Al Gore. Ridge calls Gore "Dr. Dark" who, had he been at Philadelphia in July 1776, would have denounced the Declaration of Independence as a "risky scheme."

However, Ridge is learning that being the most mentioned contender in the Republican vice-presidential sweepstakes is not all beer and skittles.

National Review, the biweekly encyclical from the church of conservatism, recently excommunicated Ridge in an article by John J. Miller, who called Ridge a "liberal Republican." Some of Ridge's congressional votes between 1983 and 1994 can perhaps be explained as the price he paid for representing an industrial district with a strong union presence. For example, in 1987 Ridge was one of just 17 Republicans who supported a Dick Gephardt protectionist measure calling for tariffs and import quotas against nations with "unfair" trade policies.

But constituency pressures cannot explain Ridge's votes to cut spending for defense against ballistic missiles, to kill the MX missile and aid to Nicaragua's contras, and to ban nuclear tests above 1 kiloton. He even voted for an egregiously silly gesture beloved by the left, a resolution calling for a "nuclear freeze."

Ridge, a working-class boy from an Erie public-housing project, was the only college graduate (Harvard) in his infantry company and he won a Bronze Star for "exceptionally valorous actions" in Vietnam. Having his dedication to defense questioned by Miller got Ridge's dander up and he gave The New York Times a wide-ranging interview, which carried the unhelpful headline, GOV. RIDGE DERIDES CRITICS ON RELIGIOUS RIGHT. And until Wednesday last week he stoutly, and sincerely, denied having supported the nuclear freeze.

When, that morning, he was informed of his May 4, 1983, vote, he said, believably, that he had no recollection of why he had supported it. The next day, when shown his May 11, 1983, statement to the House applauding the freeze resolution, his staff gamely noted that 59 other Republicans voted for it, that it was much improved by various amendments, and so on.

Knowing that his memory could be wrong, Ridge had held back from publicly denying the freeze vote, pending a thorough combing



of his record by his staff. His staff failed him by failing to find the vote. He explains, or surmises, that some of his votes against expensive weapons (e.g., the B-2 bomber) reflected an infantryman's belief that military basics were being sacrificed for exotics.

Ridge's voting record on defense issues, although unsettling and not justified by his Bronze Star, is somewhat ancient, and he can cite changed strategic circumstances for now getting in step with Bush's support for ballistic-missile defenses. But this episode illustrates how hard it always is to find a running mate who has a public record that is both substantial and free from episodes that will generate distracting controversies which will slow the ticket's momentum just as the postconvention campaign begins.

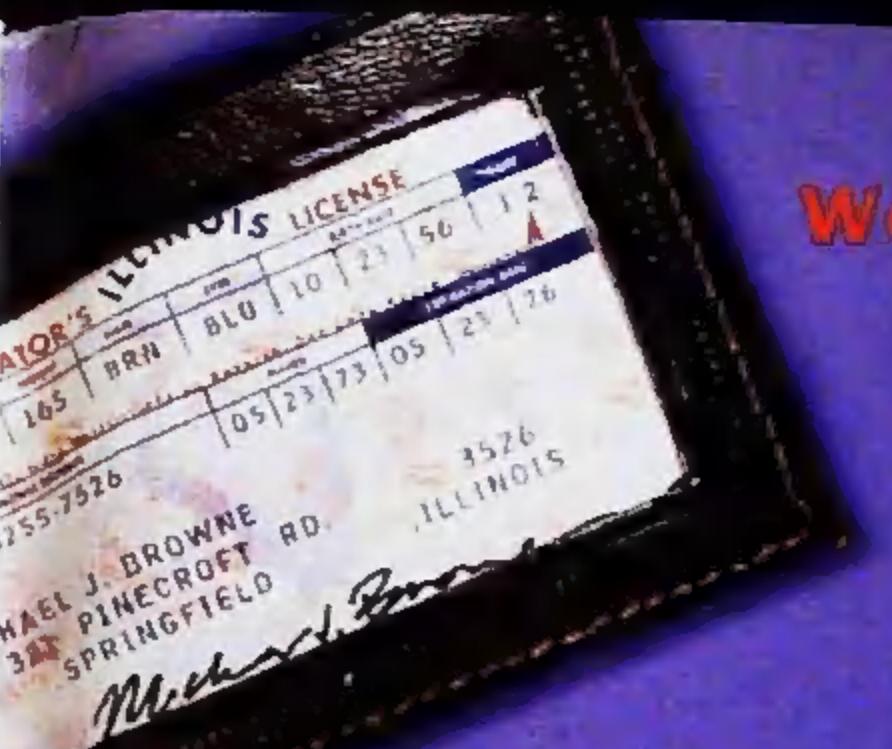
And there is the high-voltage issue of abortion. Interestingly, the pro-life convictions of Ridge's predecessor contributed to Ridge's election as governor. Last Tuesday former governor Bob Casey, a passionately pro-life Democrat, died. (Democrats, believers in "diversity" in everything but thought, would not let him address his anti-abortion views at their 1992 convention.) Only after Casey's lieutenant governor was elected did he reveal to a chagrined Casey that he was pro-choice. When the lieutenant governor ran for governor in 1994, Casey's conspicuous chilliness toward him helped Ridge win.

Ridge, who was an altar boy at 6 a.m. masses, and whose two children (both adopted) attend parochial schools, is a serious Catholic who believes that Bishop Donald Trautman of Erie is only doing his job when he says public officials whose policies are opposed to church teachings will not be featured participants at church events. A substantial portion of America's Catholics favor abortion rights. But a pro-choice Catholic running mate would guarantee a controversy. And if, as seems likely, this is going to be a low-turnout election, is it wise for Bush to begin by annoying part of his base?

Still, Bush could conclude that Ridge, with his compelling biography and proven ability to draw Democratic support, would be worth it. In 1982, a recession year, Ridge narrowly (729 votes) won an open House seat in a district with more Democrats than Republicans, and he held it easily until winning the governorship in 1994. Suppose Gore's latest synthetic persona—last week he became a little ray of sunshine—is not durable. Suppose he reverts to "Dr. Dark." Then Ridge's pugnacious optimism would strike the contrast Bush would want. And Bush certainly wants Ridge's state.

Pennsylvania, Ridge likes to say, was the birthplace of the American Revolution and, particularly in Pittsburgh, was the cradle of America's industrial revolution. In 1960 Pennsylvania, like California, had 32 electoral votes. Today, California has 54, Pennsylvania only 23, but that is the fifth-largest total. Pennsylvania has produced only one vice president (Polk's—George Mifflin Dallas) and one president, the awful James Buchanan. Ridge's attractive candor causes him to say that he thinks Bush can carry Pennsylvania without him on the ticket.

Because Republicans are optimistic about this November and instinctively hierarchical, they think their 2000 vice-presidential nominee is apt to be their 2008 presidential nominee. Hence the intensity of the scrutiny of Ridge, which is the price he pays for being "most mentioned."



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